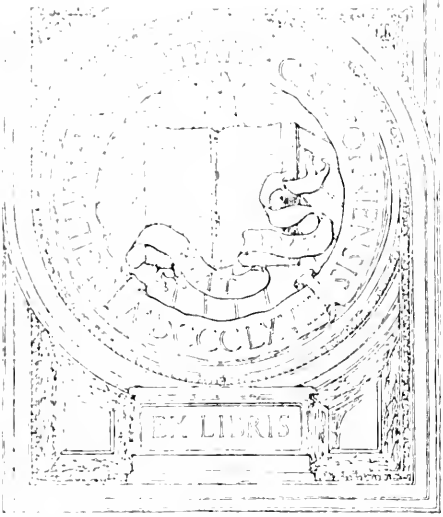

THE FURTHER

DIVISION OF LABOUR

IN CIVIL LIFE

PROPOSED.

PART I.—*Price Five Shillings and Sixpence.*

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AN

ARGUMENT

FOR MORE OF THE

DIVISION OF LABOUR

IN CIVIL LIFE

IN THIS COUNTRY.

PART I.

IN WHICH THE ARGUMENT IS APPLIED TO PARLIAMENT.

By WILLIAM WICKENS.

LONDON:

SAUNDERS AND OTLEY, CONDUIT STREET.

MDCCCXXIX.

AN ARGUMENT

FOR THE

FURTHER DIVISION OF LABOUR,

&c. &c. &c.

SECTION I.

The two following facts will, we apprehend, be denied by no one. The first is, that with all the excellence which many are so forward to ascribe to the system of internal Polity established in this Country, various parts of it teem with Imperfection, and indeed Evil. The second is, that to this Imperfection or Evil, the great body of the nation are becoming every day increasingly sensitive.

But these facts are not to be regarded as mere jejune truisms—leading to no inferences, or threatening to bring in their train no consequences, of magnitude. They are, on the other hand, pregnant with importance; and precisely in proportion

to that importance must be the claims to notice of any, or of all Propositions, that are framed (advisedly framed, we, of course, mean), and submitted, specially to meet circumstances of so grave a character.

For ourselves, we profess to have no Measure to suggest, no mode of Proceeding to urge, that is of a nature to correct all the Wrong which in the working of our Social system discovers itself; but we entertain, and have long entertained, a most decided conviction, that in looking about for the sources of much of this Wrong, not one tithe of the weight is attached, that ought to be attached, to the very scanty degree of Organization, to the very little of Development—so to term it, which many of the Institutions or Arrangements of Civil life with us, have as yet attained to, or arrived at.

It is an attention to this particular, accordingly, that we wish to bespeak. It is some Amelioration —we would rather say, some Advance or forward Movement in this respect, that we are most anxious to have accomplished. And conceiving that prior to all positive progression here, if not as to a very considerable extent identical with it, there is nothing so indispensably requisite to be resorted to, as more of the grand principle of the Division of Labour—it is a larger use, application, or enforcement, of that principle, that we propose most expressly or immediately to contend for.

offering not the slightest exception to the peculiar Defectiveness, to the Crudity, as it may be called, which we are alleging; furnishing us, on the contrary, with one of the most striking exemplifications of it, it is with them we shall begin our Argument.

The author of the "Wealth of Nations," tells us, there is a period in the progress of states, when the Artificer in any given material is the Workman upon all the occasions on which that material happens to be concerned:—when, for instance, the artificer in Wood, besides being a Carpenter, is also a Joiner, a Cabinet-maker, a Carver in Wood, a Wheelwright, a Plough, Cart, and Waggon Maker, and we know not what more; thus engrossing in his own person offices or occupations the most multifarious and dissimilar.* If by any possibility this statement could be regarded in the light of an Allegory, we should say that it depicts, with no ordinary fidelity, the present actual position or predicament of our Legislature. Only so far, however, as we thus cite the passage, does it suggest to us ideas of analogy or parallelism to the case of Parliament; the entire context being to the effect that "as Society advances in numbers and in im-

* Wealth of Nations, book i. chap. 3

provement, the manifold avocations of the Artificer come to be parcelled out among separate sets of hands, and to constitute in reality, totally distinct branches of industry :" nothing, as we all know, in the slightest degree approximating to which, does our Legislature, in its whole history, present us with.

Infinity of Matters submitted to Parliament.

In unfolding and vindicating our Views of the Imperfection of our existing Legislative Arrangements, and of the absolute necessity in their instance, of recurring to more of the principle of the Division of Labour, the first point to which we shall solicit attention, is, the Infinity of Matters that are now submitted to Parliament, as often as it assembles, to be discussed, legislated upon, or in one way or another disposed of.

If very summary or general proof only were needed of the great Aggregate of these Matters, we should have it, at once and most conclusively, in the declaration made by Mr. Secretary Peel, in the House of Commons, April 13, 1826, that " PARLIAMENT WAS OVERWHELMED WITH BUSINESS." We should have it further in the open avowal of the Speaker of the House of Commons himself, May 4th, of the preceding Session, that "the increase of business in Parliament had come to be such, that it was impossible to say what matter would be brought on upon any appointed day, and what would not; a state of things," he remarked, "from which the greatest inconvenience resulted, both to Members and to the public."

But for realizing all that we contemplate, mere general allegations will not suffice; and we must trouble the reader therefore with some details.

At different times during the last few Sessions, it has been announced by the public journals, that on certain days, which they specify, such a variety of Committees sat upon Bills, that the House of Commons, with all its accommodations, could not contain them. We ourselves can give dates within the period we speak of, when not fewer than five-and-twenty Committees of the House have sat on the same day; and when also not less than eight, and even twelve separate Committees on perfectly distinct Bills, many of them, of course, with their accompaniments of Clerks, professional Attendants, Witnesses, &c. have actually met in the same room, the room being one too of most limited dimensions. All this, however, falls short—very far short, of what has been known to occur. We have lying before us the Report of the Committee of the House of Commons, appointed in the Session of 1825, to consider, among other things, of means for providing additional accommodation for the meeting of Committees. We there read as follows: "During the present Session, the Members' Waiting-rooms, the long Gallery, the House of Commons itself, and even the Court of Exchequer, have been occupied by Committees. Two hundred and seventy-six sittings have been held, of public Com-

mittees. Four of the public Committees, and thirty Committees on private business, have met on a single day, *nineteen of the latter having been fixed to meet in one room.*"

We shall give one Statement more, particularly as it shows an important consequence of this pressure of business, affecting both Members and the public, which is not of a nature at first sight to arrest attention. "There were down on their Order Book," said the honourable Member for Aberdeen in the House of Commons, May 11, 1827, "a list for that day of no less than thirty-two Committees. Of these as many as five respected Scotland; *upon each of which his sense of duty would have led him to attend,* had it been possible for him to have done so."

It would be indulging our own feelings if we stopped to comment here, on the bustle and confusion, as a mere scene, that is thus brought under our view, and the like to which is certainly not to be met with in the workshops of the commonest handicraftsmen.

Laws or Enactments, actually passed.

But the Quantity of our modern Laws is the consideration uppermost in our minds, and which it more immediately behoves us at present to speak to: and touching this single but most weighty item, what is the issue of the toil and hurly-burly that has been described? Why, that a Mass of Acts is added to the Statute Book every Session, to

peruse, we might almost say, but unquestionably to digest which, the ordinary term of human life would hardly suffice for!

Accidental circumstances have induced us, in the main, to limit our Strictures regarding Parliament to the period that intervened between 1822 and 1828, both years inclusive; and which embraces, it will be observed, by no means the whole of the present reign, to say nothing of the Regency. During that period, however, comprising seven short Sessions only, the benefits, in the shape of Acts of Parliament, conferred upon the Country, have been to the enormous amount of two thousand, one hundred, and upwards!

In performing the part allotted to it in the work of Law-making, the compendious way in which the Crown, in these times, proceeds, is deserving, we think, of some mention. The Houses of Lords and Commons, it is well known, notwithstanding the numbers and urgency of the Matters that crowd upon them, always entertain every Measure submitted to them, separately. It is equally well known, that every Measure must there advance by stages, and that for each stage, a different day is appointed. His Majesty, however, as at present advised, sanctions and sends into the world these Measures, in bevies of eighty, and even a hundred at a time; thus reducing himself, in the performance of one of the most exalted of his functions, to

the level of a mere puppet or mechanical Agent; and rendering quite farcical the doctrine, which in our Books at least is to be found, however it may now be abrogated in practice, of an additional security being derived to the nation, in the passing of its laws, by the exercise, in turn, of the royal Wisdom or Discretion with regard to them.*

But from what has preceded, no estimate, unless it fall far short of the truth, can be formed of the sum total of Business that annually devolves upon Parliament. Passing by the various questions of a purely political character, that never fail to arise, and to be at considerable length discussed in the course of each Session, the Upper House, it is to be remembered, combines with its legislative Cares, the duties of a supreme Court of Judicature: in which latter capacity the claims upon it are to such an extent, as to have called, for several Sessions past, for labours from the House, beneath which it has fairly groaned: and notwithstanding which, a Mass of Cases in arrear exists there at this moment, with no prospect of being adjudicated upon, for years to come.

Petitions. As it respects Parliament collectively, but par-

* We have spoken in this paragraph quite within compass, for on May 5, 1826, the royal assent was given to *eighty-six* Bills; and on the 26th of the same month, the ceremony was repeated to the tune of *one hundred and twelve*.

ticularly as it respects the House of Commons, its freedom of access to Petitioners of all descriptions, is, it will be recollected, what is much vaunted of it. And how numerous do the public suppose the Calls upon the time and attention of the lower House to be, arising exclusively out of this feature in its character? We think our readers will be somewhat startled at learning that those of the "public" Petitions addressed to the House of Commons, and distinguished above others, by being ordered to be printed, that these alone have of late years averaged nearly one thousand four hundred per Session!* But of the "public" Petitions, those that are printed, do not constitute, it appears, one half of the number actually presented. Mr. Whittam, a Clerk of the House of Commons, upon giving some evidence in a Cause in the Court of Common Pleas, June 23, 1825, was questioned as to a Petition he had to produce, dated May 31, of the preceding Session. It was marked, he said, 3,184; which denoted that Petitions to that extent had in the course of that single Session been presented to the House!

Of the whole of the petitions of which we are now speaking, it must not be overlooked that

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* Between 1823 (prior to which our information on this point fails us), and 1828 inclusive, the highest number of printed public petitions during any one Session, has been 1959, the lowest 882.

their purport or bearing is as various, and their subject-matter often as important, as are the wants, the interests, the wishes, or the grievances, of the numerous classes of individuals, that in both hemispheres make up the population of our vast empire.

After this character of them especially, no one surely will be so irrational as to insinuate of these petitions, that they receive from the Legislature any other than the most devoted and even anxious consideration. Outraging however all probability, and evincing the very excess of hardihood would it be, were any one (we put the case quite hypothetically) to venture to assert, that the time bestowed by Parliament upon petitions was nominal, and the attention none—not so much even as the titles of them when these were read, and though this was all that was read, being listened to! In the event indeed, through the perverseness, not to say the fatuity, of any individual, of a charge altogether so incredible being preferred, we should certainly leave to Parliament itself the triumph of repelling this heinous aspersion. The post of Champion on the occasion we should decline the more readily, it being for our purpose quite enough to be able to affirm—and the fact will instantly be verified in the recollection of many—that formal and loud complaints are not unfrequently made, particularly on the part of his Majesty's Ministers, of the very inconvenient

degree to which petitions encroach on what is termed—the more grave or serious business of Parliament. We might indeed add further, that the cases are far from being rare in which petitions to the House of Commons give rise to, not merely very protracted, but even to adjourned debates. This has held true of some of the later ones that have been presented regarding West India Matters; and though the circumstances have been somewhat peculiar, we are fairly entitled to remind the reader, that it is mainly in an attention to Petitions, that the Parliamentary Session which is at this moment in progress has passed away.

Printed Papers, consisting of Reports, Parliamentary Returns, &c.

In proof of the "overwhelming" claims there at present are upon the time and thoughts of our Legislators, we must beg to call the reader's attention further, to those piles upon piles of Reports—that is, Reports of Commissioners of Inquiry, out of the House, and Reports of Committees of the House, or rather of the two Houses; of financial and other Accounts; of Minutes of Evidence; of Papers affecting in almost every possible way our Foreign Relations; and of parliamentary Returns of all orders and descriptions;—which are every Session laid before both Houses and printed for the information of Members; and which it will be acknowledged ought in a pre-eminent degree to constitute the Charts for

Parliament to steer its course—we had almost said —to regulate its whole proceedings by.

But as to studying these Charts, as to Members generally, amidst all their other Cares, acquainting themselves with these Documents, the thing is not only not done, but it is impossible for it to be done. Of the Reports alone that are made to Parliament, many single ones consist of such immense masses of matter, that the very idea of perusing them, is, by Members, and leading Members too, openly scoffed at. Of the extent to which these bulky productions are furnished to Parliament—for its illumination and guidance, as most would have the simplicity to suppose—some opinion may be formed from the fact, that single boards of Commissioners specially nominated by the Legislature, have in repeated instances presented as many as twelve, fifteen, and seventeen Reports upon the one individual subject they were appointed to investigate. A list of thirty-eight Commissions of Inquiry, ordered by the House of Commons to be printed, May 2, 1827, shews that nine only of that number have issued in the progress of their labours no fewer than one hundred and thirty-four Reports! Some further notion may be formed by the general reader of the voluminous character of the various other Documents, Returns, &c. furnished to Parliament, from the declaration of Mr. Wilmot Horton,

June 3, 1825, that by his Department alone (the Colonial), there had been laid on the table of the House of Commons, in the course of the then Session, Papers amounting to nearly five thousand pages.

Well certainly might Mr. Peel observe, as he did a few days after this, referring more immediately to a most formidable production, with its bulky appendixes, then forthcoming from another quarter—the Report of the Chancery Commissioners—that Documents like many of those submitted to Parliament, could not be weighed and digested by Members in a moment!

We admit that the Reports, Papers, &c. presented to either House, are not all of them distributed during the Session, or while Parliament is actually sitting. The printing arrangements of Parliament, extensive as they have become, would be utterly unequal to this. Indeed with all the dispatch that is used, a new Session generally commences, or is on the eve of commencing, before the Papers of the preceding one are well out of the printer's hands. An extra obstacle here however arises in the way of these important documents being duly "weighed and digested;" the delivery of them from the Press thus taking place, when by far the greater part of the Members are attending to their private affairs in remote quarters of the kingdom, and when no inconsi-

derable portion of the remainder, are sure to be out of the country altogether.

It is only common justice to the present part of our case to notice, that the printed Papers of which we are speaking, and which are entirely exclusive of the "Bills" printed, the "Votes" of the two Houses, the "Journals," &c. may at a very moderate calculation be computed to exceed *twenty-five* full sized and closely printed *folio Volumes* per Session.

The rate at which these Papers have increased since the Union, is as follows: For the first ten years they averaged twelve Volumes per Session; for the second ten years they averaged sixteen Volumes; and since 1820, while the number has never we believe been less than nineteen, they have amounted to as many as thirty Volumes per Session.*

This account, together with all that had preceded it, borne in mind, the reader cannot be surprised that the great bulk of these Papers remain a mere dead letter. Their own numbers and weight, indeed, fairly overlay them. However laudable may be the motives that lead to their production, the result is, that soon after

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* The averages of the two first ten years we obtain from the Second Report of the Committee of the House of Commons of 1825, on Committee Rooms and Printed Papers.

they are produced, they are silently deposited among the archives of Parliament; and though containing information the most important, and teeming with facts, calculations, suggestions, and recommendations, bearing intimately on every Interest in the Empire, neglect, if not entire oblivion, is, with little exception, their fate.

Before we drop the subject of these Papers, or at least of such of them as emanate from Parliamentary Committees, we would just observe, that we wonder the very term *Committee*, in that particular connexion, has not long ere this become odious to the nation. We ourselves have lived to witness so much time, thought, and labour, often expended, not only by some of the parties forming these Committees, but likewise by the numerous individuals attending upon them; and then, after all, so many hopes frustrated—the recommendations in which this time and these efforts end, being so soon laid aside and forgotten—that we acknowledge we recoil at the very mention of a "Parliamentary Committee". We look upon the phrase as little else than a synonym for anxieties or solicitude—superfluously awakened; for toil—fruitlessly incurred; for expectations—we are almost tempted to say—wantonly blasted.

Very certain we are, that a more unequivocal proof of its alleged Wisdom, Parliament could not give, than by instantly suspending all calls

for new Returns, by forthwith turning a deaf ear to all propositions for additional Inquiries; resolving, resolutely resolving, before it encumbers itself with further Papers, to acquaint itself with, and convert to some really beneficial purpose, the hordes upon hordes of those it already possesses.

HASTE WITH WHICH MOST OF THE BUSINESS OF PARLIAMENT IS DISPATCHED.

Thus much then for the single point of the numerical Amount of the Matters that are every Session brought before Parliament. The Precipitancy or Haste with which the Legislature dispatches a great portion of the Business which it actually takes in hand, or professes to do, is what we next propose a little to insist upon. Precipitancy or Hurry in what it does, is indeed nothing more than any one would have augured, as of necessity resulting from the state of things that has been described. Still this feature as it pertains to Parliament, is by far too specific as well as prominent, not to claim and to receive, in a discussion like the present, express notice.

Unquestionably the operation of legislating, is not quite so summary a process in the two Houses of Parliament, as it proves to be in the hands of his Majesty—who, as we have already seen, hesitates not to call into play, as many as a hundred new Acts, at one dash of his pen. At the best however, the parliamentary Session from first to last, is but a continued legislative race. One sole

object seems to govern the active part of the Members; and that is, the getting their respective Bills through the House, be the means by which this can be accomplished (so long of course as the forms of the House are complied with) what they may. For achieving their purpose, that is, for advancing their Bills through the requisite stages, no hour of the day is thought too early, no hour too late. At one time it is complained that Bills have been read or passed, before the Members most interested in them had got down to the House; at another time it is alleged that this has been done after all such Members had left the House. The private Bills struggle for the precedency with the public; Scotch Bills contest the same point with English; English with Irish; and the Irish with both. It is often only the lighter or more frivolous matters that get legislated upon at all; and even then temporary Bills are brought in, because there is not time to frame permanent ones. Parts of measures are entertained separately from their whole; and frequently, very frequently, discussion, so far from being what is sought for or desired, is the thing of all others which is deprecated; as tending to bring to light more unsoundness or disease—more at least that is wrong and calls for correction, than circumstances, at the period, will admit of giving atten-

tion to. "Seldom," says a distinguished publication, which reports, we may be assured, to no such effect, but when evils are flagrant indeed,—"Seldom are Bills brought into Parliament until they can be no longer postponed or avoided, and then they are passed so hastily, that sufficient time for the examination of them is not afforded to the legislator. If it is asked why any particular enactment has not already been proposed, the reply usually is, that it will be early enough to legislate when the occasion calls for it; and when the occasion, at last, does call for it, the excuse for precipitation is, that unless immediately passed, the public service will suffer."*

So truly does this charge of precipitation apply, that in many instances Bills go to the upper House with Clauses stuck in, or rather on, (as Riders), which are the thought of the moment; or, at least, which suggest themselves so late, that not so much as an attempt can be made at incorporating them in the body of the Bill. On the other hand, Clauses which had from the first been contemplated and even inserted in the Bills, are, from the helter-skelter way in which the Bills are passed, altogether left out.† Again,

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* The Quarterly Review, April, 1819.

† See a statement made by the Speaker in the House of Commons, July 5, 1825; and another by Lord Lauderdale in the House of Lords, May 22, 1826.

some Bills, and these "public" and important ones, not only go through all their stages in the two Houses, but actually receive the royal Assent, of which the leading Ministers of the Crown soon after declare, they were utterly ignorant any such Bills had ever existed:* whilst, forming the exact reverse of this, and as if nothing were to be wanting to perfect our case, to other Bills, expressly concocted and carried through Parliament, by these very same Ministers, the royal Assent—such is the pell-mell state of things—is forgotten to be procured at all.†

Sickening—literally heart-sickening, to us, are the facts we here recount; and not less painful the perusal of them, we are persuaded, will be, to every one who has been taught to value the Institutions of his Country; and who, as to the deeply responsible act of legislating, more especially, knows what, upon the very commonest shewing even of safety as well as of justice, is due therein to the interests that are concerned.

Indeed, with the bare possibility of occurrences such as we here detail, taking place at the fountain-head of all Law and Order, the

* We refer the reader here to the Debate in the House of Lords, July 4, 1825, on the subject of the Law respecting Combinations, which had passed in the preceding Session.

† This occurred in the instance of the Bill of the Attorney-General for renewing the old Law relative to arrests on Bills of Exchange, which passed both Houses in the Session of 1825.

wonder is, that ere this all Law and Order among us have not come to be set at defiance; or that, at the least, the Community has not lapsed into a state of total disorganization. How long, till the system be altered, one or the other of these crises may be delayed, we presume not to be able to say. Much, very much, it is evident, we must be indebted at this moment, for what continues to us of quiet and security, to the influence of prescription on the minds of the public, or to the force of habit; little, very little, to the vigilant oversight, to the tutelary care, of our rulers.

QUALITY OF WHAT IS DONE BY PARLIAMENT.

But we have still matter, and most important matter too, to urge in support of that innovation in the economy of Parliament of which we are the proposers. In short, taking leave of the HASTE with which the business of Parliament is dispatched, together with its QUANTITY, we shall proceed to say something of the QUALITY of what is thus done or transacted. We shall go on, in fact, to contend, that the expediency, nay, that the necessity of a further Division of Labour, is in the highest degree indicated in the case of Parliament, by the very unworkman-like—in other words, by the grossly defective character, of what at present issues from it;—that is, of those numerous Provisions or Enactments which

are the products of its deliberative wisdom—of its legislative skill.

And here so wide a field opens before us, that we scarcely know upon what part of it first to enter. It may be well, however, briefly to enumerate certain leading properties, or features, which common sense tells us all Laws ought to possess; and this done, the task will be a tolerably straightforward one, of ascertaining how far these properties, or features, do or do not pertain to the Acts of our Parliament.

Prior to all positive legislation, some preliminary points manifestly claim, in every case, to be attended to. Regard is to be had, for instance, to the fitness or propriety of the subject itself, proposed to be legislated upon. Also to the state of the existing Laws thereon, if any there be; and to the suitableness of the time at which the new Law is called for. It will further be specially borne in mind, that the contemplated Enactment is what the Judges of the Land will, under a weighty and anxious responsibility, have to propound; what the Authorities of the Country will be required to enforce; and what, so long as the Act is of a public nature, it will be imperative upon the people, one and all of them, to obey. The course thus far prepared, as it most assuredly will be, by all parties really meriting the name of Legislators, the Law that wil

result, will be brief, or as brief as the case will possibly admit of; perspicuous; and consistent. It will be simple or uncompounded; that is, not embracing topics utterly irrelevant in their nature, or having no affinity to each other. Its provisions will be practicable; and not only practicable, but adapted to their end. Added to which, the whole will be framed with such scrupulous care, at once as to its mechanical structure or technical wording, and to all the circumstances in reference to which it is enacted, as to ensure for it, as far as human ability can do this, fixedness or durability.

But barely to mention some of these items in connexion with our Acts of Parliament—what is it but to bring together, or to suggest to the thoughts, things in the strongest possible manner contrasting—things of the very utmost discrepancy! Acts "foolish;" "futile;" "trumpery:" "ambiguous;" Acts "so voluminous that any individual might be defied to find out from them, what was Law and what was not Law;" Acts "heaped, and even fagoted together in piles of the most heterogeneous mass;" "full of complexity:" "extremely unintelligible;" "drawn up with the greatest and most culpable negligence;" "discovering almost every description of absurdity and inaccuracy;" "so abounding in errors of grammar even, and of construction,

that the very Printer, to save his own reputation, puts *sic* in the margin of them ;" Acts "evincing the meddling follies of their authors ;" "raising questions without end for solution;" "so little considered in their bearings, as to tend greatly to embarrass the interests of the Country;" Acts "passed in one Session, which, from their injurious effects, it was found necessary promptly to repeal in the next;" Acts "causing the most crying complaints and grievances in all parts of the Country ;" Acts, "the defects of which could hardly be conceived;"—this is the summing up—this the estimate of the merits of divers of our Statutes, furnished by the very framers of our Laws themselves: by Members too, (for we pass by a crowd of inferior deponents among them, testifying to a like purport,) of the greatest name, and some of them holding at the time the most distinguished official appointments.*

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* The authors of the statements given by us with inverted commas, are as follow—the order in which the names appear answering to that of the quotations :—Marquis of Lansdown, July 4, 1825. Ibid. April 2, 1828. Mr. Baring, March 23, 1826. Lord Melville, Feb. 16, 1821. Dr. Lushington, May 18, 1826. Mr. Buxton, May 23, 1821. . The Attorney-General, Feb. 24, 1826. Lord Goderich, April 6, 1824. Mr. Irving, Feb. 2, 1821. Mr. Brougham, May 26, 1825. Mr. Denman, April 30, 1821. Mr. Sec. Peel, Feb. 22, 1827. Mr. Leslie Foster, Feb. 19, 1828. Lord Lauderdale, June 21, 1819. Mr. Littleton, June 14, 1820. Lord Liverpool (the late), July 4, 1825. Mr. Huskisson, March 23, 1826.

The Acts alluded to, we only abstain from particularizing on account of the intolerable length to which this note, in that case, must have extended.

Of all parties, those of course will be backward to speak disparagingly of our Laws—whose business it is to administer them. And yet, what are the terms in which even our Judges, at times, are heard to give vent to their feelings, as it regards the quality of our Statutes? Acts "inadequate to their purpose;" "ill penned" Acts; Acts "of questionable meaning;" "couched in terms of doubtful import;" "hard to be interpreted, for their obscurity and difficulty;" "extremely difficult to construe, from the uncertain wording and the complexity of their provisions;" "so loosely worded that no proceedings could be instituted upon them;" "passed in ignorance of the practice they respected;" "working great injustice between individuals:"—this is language—these are representations all—extorted from the highest Law Authorities in the Country; and extorted by the harassing predicaments which the several Enactments thus spoken of, involved them in.*

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* The Chief Justice of the Common Pleas, House of Lords, June 27, 1825. Dictum of the Judges, quoted in Elmes' Treatise on Architectural Jurisprudence, lately published. The Vice-Chancellor, April 2, 1827. Lord Chief Justice of the King's Bench, July 4, 1827. Sir Christopher Robinson, April 28, 1826. Lord Chief Justice of the King's Bench, May 1, 1823. Dictum of the Judges, quoted in the Quarterly Review, Jan. 1828. The Lord Chief Baron, Nov. 16, 1827. Chief Justice of the Common Pleas, Dec. 13, 1828.—Other functionaries than those of our own Country, it is

The Voice of the public Press, ranking next in value or weight after that of the leading men in the Government and Legislature, and of our Judges, comes, if possible, still more explicitly in aid of our Argument. "The language and composition of our legal Instruments," say the Edinburgh Reviewers, "INCLUDING OUR ACTS OF PARLIAMENT, are a disgrace to the intelligence and information of the Country."*—"Such is the hasty concoction," say the writers in the Quarterly Review, such the "slovenly composition" of our Laws, and "so uncertain and confused are they, that Magistrates and Officers of Justice are perpetually perplexed and endangered in the enforcement and execution of them. Even Judges of the brightest learning and industry, have occasionally erred in determining upon important rights of individuals, from overlooking

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to be observed from the following extracts, are fretted and perplexed by the obscurities, errors, &c. of our Statutes. "The intricacy of the several Acts of Parliament affecting the intercourse of America with the British Colonies, and the difficulty of understanding their precise meaning, might, it seems to me, have been considered by the British Government a sufficient reason why that of the United States should hesitate," &c.—*Mr. Gallatin's correspondence with Mr. Clay, Oct.* 1826. The President's Message to Congress, of the following December, speaking on the same subject, says, "In the mean time another Act of Parliament passed, so doubtful and ambiguous in its import, as to be inexplicable, even by the British authorities, in this hemisphere, themselves."

* The Edinburgh Review, published March, 1827.

some short but essential clause or Act, buried in surrounding verbiage, foreign to the subject before them.* * * * As to the unlearned public, any attempt on their part to understand the Statutes, must be something like an endeavour to interpret a Runic inscription, or the hieroglyphics on a Herculaneum papyrus."*

After the host of Authorities we here cite, of Authorities of such high rank too, we do not ask whether one word more, corroborative of what these parties have thus said, is needed; but whether one word more answering to that description will be tolerated? We hope it will. We trust, in short, we shall be borne with, while we enter a little into detail, where others have been so very general; that is to say, while we indulge in some amplification upon one or two at least of those features in our Laws, which others have only in the most incidental and passing manner glanced at.

Trumpery Acts of Parliament.

And first of all, as to the "trumpery" character of certain of our Laws.

It appears to us then, that Parliament errs, errs most egregiously, at the very outset of much of its Legislation: that, not to speak at this moment of the structure or framing of its Enactments, that these Enactments are in num-

* The Quarterly Review, published Jan. 1828.

berless instances, in the most emphatic sense of the word, bad, as relating to affairs, or endeavouring to compass objects, of a pettifogging, and indeed contemptible minuteness. This utter want of discrimination on the part of Parliament, as to what is really fitting to be entertained by it, we are warranted, we apprehend, in ascribing, without any hesitation, to the multiplicity of its business, and to the little time thus allowed to it, for any thing like circumspection. Upon what other shewing can it be accounted for, that our Legislature should suffer itself to be put in motion, that it should permit its ponderous Machinery to be agitated, about such matters as Buttons, Butter, Bread, Ounce Thread, Tailors' Wages, Apprentices' food, Muffin plates, Twigs for hoops, Newsmens' horns, and we know not what more, that is in the lowest degree pitiful and peddling?*

There may be no precedent for doing so, but for our own parts, we are quite decided as to the propriety of classing under the head of

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* The subjects we specify, have all of them been formally discussed or legislated upon by Parliament in modern times. Upon the question of blowing Horns in the public streets, the House of Commons divided, June 22, 1821. Forty-three of our Statesmen, Philosophers, Juris-Consults, &c. decided against the expediency of continuing the practice, while as many as Eight turned out in favour of leaving the Horn-blowers in the undisturbed possession of their privilege!

"trumpery" Legislation, a vast portion of what is termed the *private* Business, that is every Session transacted by Parliament. The very cognomen employed to designate this business, we hold to be a justification of the conviction upon this point, which we have long since come to. How any occupation to which the epithet "private" could apply, ever came to fall to the lot of Parliament, we shall not stop to enquire; but we put it to the reader, Whether it is not calculated to stagger every considerate mind, whether the thing is not of a nature to revolt all our notions of seemliness and congruity, to find the supreme legislative Council of the empire, the congregated Wisdom of the nation—busying itself, for instance, about widening Pill Lane; about improving the avenues to Piff's Elms; about the difficulties felt by Chelsea in disposing of its Dust and Ashes; and by Dublin in providing itself with Straw?

The Speaker of the House of Commons, it is well known, when the opportunity is afforded him at the close of a Session, triumphantly recounts to his Majesty, the feats that have distinguished it. On these occasions, and while matters remain as they now are, this eminent individual will certainly never do common justice to his theme, till he appends to his harangue, some such recital as the following:

"Our anxious attention has been given to the state of the river Ribble, and the Roads about Paddle Brook we have directed to be repaired. The communications with Cow Down, Pot Hook's End, and Bally-hooly, have not escaped our vigilant regards; and, agreeably to a unanimous decision of your faithful Commons, there will henceforth be a Rail-way leading to Bullo Pill. Urgent representations having been made to us, of the objectionableness of the present site of the Hospital at Sheffield, we have consented to its being changed. The Work-house too at Norwich, will, by our authority, speedily be taken down. To the townships of Skipton and Sharples, a further supply of Water has been awarded; and fit spots have been indicated by Us, for the Plymouth Hackney Coach Stands. Nothing deterred by the difficulties and entanglements attendant thereon, we have plunged into all the minutiæ of the two great questions—the having a tram road between Manchester and Liverpool, and the lighting Edinburgh with Oil Gas. 'Delivered,' as we ultimately were, and 'in a way suited to the wisdom of Parliament,' of these momentous topics, we proceeded to vest Pedlar's Acre in Trustees, and to remove doubts, which, we flatter ourselves, we have for ever done, as to the legality of the erection of the portico of St. Mary-

le-bone parish Church. Furthermore we have passed Bills, to which we supplicate your Royal assent, authorizing Kitty Jenkyn Packe to bear the arms of Reading; and naturalizing Henry Van Wart!"*

After this outline especially, of that whole and very extensive Class of the business of Parliament we now speak of, who of our readers will not go along with us in exclaiming, Oh, the august subjects to which the time and the talents of our Senators are consecrated! Oh, the colossal matters with which, foot to foot, and hand to hand, they so manfully grapple; and the surpassing conquests they, as the result of so much legislative chivalry, achieve!

Seriously, however, notwithstanding the constant bustle or turmoil in which they are kept, we do wonder that our Members of Parliament are not more alive to the perfect burlesque upon the office of legislating, which they are every day chargeable with: that they do not sometimes indeed start from their seats with indignation, at the downright puerilities, at the absolute nothingnesses, about which they find themselves assembled in solemn divan, and to

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* These, and a crowd of equally dignified enactments, are to be seen by any one who will run his eye over the tables of the Statutes of the last few Sessions.

take their due part in the grave deliberations respecting which, they have come travelling, many of them, with breathless haste, from the remotest quarters of the kingdom.

Jumbling, or Hodge-podge Acts

But further, we wish to observe, or to "amplify" a little, upon that feature in many of our Acts of Parliament, agreeably to which they consist of Enactments jumbled or "fagoted" together, touching matters the most opposite or dissimilar; touching matters between which there exists not one particle of affinity or relation. The reader will understand that we speak of the same Act, as containing these heterogeneous, these totally irrelevant Enactments. A character is thus given to much of our Legislation, which is perfectly grotesque; but this is the smallest part of the evil; for our Statutes, already objectionable enough on the ground of their great number and unwieldiness, are, in consequence of the peculiarity we now speak of, with little exception, rendered one Mass of maziness, or intricacy. Not more capricious is the course of vessels, abandoned to the mercy of the winds and waves, than are our Acts of Parliament, as to the items which in their progress they will enlist, and the enactments they will comprehend.

Sir M. W. Ridley announced, we should say benevolently announced, not long since, in the

House of Commons, that any one wishing to acquaint himself with the regulations regarding the mode of forwarding Petitions to Members of Parliament, must search for them (could the reader, in his most sportive mood, have imagined it?) in an Act for laying an additional duty upon Tea and Coffee! Of the Statute under which various of the public Theatres, Vauxhall, and other places of Entertainment, are at this day annually licensed, the commencing Clause is as follows: "Whereas the advertizing a Reward, with no Questions asked, for the return of Things lost or stolen, is one great cause and encouragement of Robberies, be it enacted," &c. &c. &c. Many may in all probability recollect, that on introducing to Parliament his Bill for Amending the Laws relating to Theft, (House of Commons, March 9, 1826,) Mr. Secretary Peel cited the title of one single Act, which embraced no fewer than the following variety of subjects: the continuing several Laws therein mentioned; the carrying of Sugars in British built Vessels; the encouraging the importation of Naval Stores; preventing frauds in the admeasurement of Coals in the City of Westminster; and preventing the Stealing or Destroying of Madder Roots. Another Act which he, on the same occasion, referred to, forms a still more striking olio, a still more pe-

culiar piece of patch-work: it was this—An Act for better securing the duties of Customs on certain Goods removed to London; for regulating the fees of Officers in his Majesty's Customs in the province of Segambia, in Africa; for allowing the Receiver-general of fees, in Scotland, proper compensation; for the better preservation of Hollies, Thorns, and Quicksets, in private grounds, and Trees and Underwoods; and authorizing the Exportation of a limited quantity of Barley from the port of Kirkgrow.

But these, perhaps, it will be remarked, are, each of them, specimens of the Legislation of a by-gone period—of a period wherein knowledge and civilization were, comparatively, at a low ebb; when, in short, the "march of intellect" among Statesmen, as well as People, was by no means so palpable, so strongly marked, as it happily is at present. According to the public papers, this was manifestly the precise feeling that pervaded the House of Commons itself, on Mr. Peel's reciting there the titles of the two Acts we have last mentioned. We will turn then to such sources of information as are within our reach, with regard to the Legislation of more recent times; with regard to the Legislation, in short, of the enlightened epoch in which it is the reader's privilege, and our own, to live. Every thing else around us,

having, as it is alleged, wonderfully progressed during the last thirty or forty years, we will see how far, in the article of unentangled, well assorted, consecutive legislation, Parliament has kept pace with the general advance.—"A most pernicious regulation," said a Witness, before the Committee of the House of Commons, which sat in 1826, on the Irish butter Trade, "a most pernicious regulation, which has all but ruined the Butter trade at Cork, was introduced into a Bill, which passed through Parliament in the Session of 1822." What was the particular Bill you refer to? enquired the Committee. "It was entitled," replied the witness, 'An Act for better paving and lighting the Streets, and for other purposes;' under which designation, no one soul concerned in the Butter trade, dreaming that his peculiar interests were at all at stake, the destructive regulation in question took effect."*—"He protested," said a proprietor of East India Stock, at a general Court of Proprietors, held June 22, 1825, "he protested against the junction in one and the same Bill, of subjects so utterly alien to each other, as Regulations for providing for the Judges of his Majesty's Courts in India, and for transporting Offenders from the

* See the Evidence of Mr. Fitzgibbon in the printed Report.

Island of St. Helena." "But the honourable proprietor," exclaimed another voice at the meeting, "has stopped short in specifying the contents of the Bill then before Parliament, and which they were assembled to discuss; for towards its close, and totally unconnected with the preceding parts of the Bill, were to be found Provisions for more effectually administering Justice in Singapore, and Malacca!" We ourselves must take leave to add, that even with this supplementary intelligence, the Bill was most inadequately described; for as it stands in the Statute Book, it is thus headed—An Act for further regulating the payment of the Salaries and Pensions to the Judges of his Majesty's Courts in India, *and the Bishop of Calcutta;* for authorizing the transportation of Offenders from the Island of St. Helena; and for more effectually providing for the administration of Justice in Singapore and Malacca, *and certain Colonies on the Coast of Coromandel.*

The titles of some other Acts we shall herewith subjoin, as substantiating, beyond the possibility of contradiction, the fact, that the "omnium gatherum," olla podrida, or *pot pouri* mode of legislating, so far from being the exclusive characteristic of past times, is still in full activity:

Cap. 49, 7th Geo. IV. [1826] is thus headed:

"An Act to amend several laws of Excise relating to Bonds on Excise Licenses in Ireland, Tiles and Bricks for draining, Oaths on Exportation of Goods, Permits for the removal of Tea in Ireland, size of Casks in which Spirits may be warehoused in Scotland and Ireland, the allowance of Duty on Starch and Soap used in certain manufactures, and the repayment of money advanced by Collectors of Excise for public Works in Ireland."

What, we cannot help observing, might not follow, or be superadded, to such a farrago as this? We request the reader to notice too, the order, the perfectly fortuitous order, as it would seem, in which the various items occur. This, also, we think deserving some attention in one or two of the instances that subsequently occur.

Cap. 71, 4th Geo. IV. [1823]. "An Act for defraying the charge of Retiring Pay, Pensions, and other Expences of that nature, of his Majesty's forces serving in India; for establishing the Pensions of the Bishop, Archdeacons, and Judges; for regulating ordinations; and for establishing a Court of Judicature at Bombay."

Cap. 75, 5th Geo. IV. [1824]. "An Act to decrease the Duty on Cocoa Nuts imported; to exempt certain Goods from payment of Auction Duties; to provide that the parish of St. Pancras shall be under the inspection of the Head Office

of Excise; and to amend certain Laws of Excise relating to Maltsters in Ireland; to the Drawback on Beer exported from Great Britain; and to the Duty on Draining Tiles."

Cap. 7, 7 & 8, Geo. IV. [1827]. "An Act for continuing to his Majesty for one year certain Duties on Personal Estates, Offices, and Pensions in England; and also for granting certain Duties on Sugar imported."

Cap. 56, 6th Geo. IV. [1825]. "An Act to amend two acts for removing difficulties in the Conviction of offenders stealing Property in Mines, and from Corporate Bodies."

Can there be imagined, we ask, a more whimsical, a more truly *bizarre* association of things, than is instanced in the two last cases? We shall add the titles of but one or two Acts more, from amongst a variety of similar ones which offer themselves to us:

Cap. 43, 5th Geo. IV. [1824]. "An Act to alter the Duties on the Importation of certain Articles, and also the Duties on Coals brought to London; to repeal the Bounties on linens exported, and to amend the Acts relating to the Customs."

Cap. 107, 5th Geo. IV. [1824]. "An Act to prevent the illegal pawning of Clothes and Stores belonging to Chelsea Hospital; to give further powers to the Treasurer and Deputy Treasurer

of Chelsea and Greenwich Hospitals; to punish Persons fraudulently receiving Prize-money or Pensions; and to enable the Commissioners of Chelsea Hospital to hold Lands purchased under the Will of Colonel Drowly."

We have adverted to the feeling that evidently prevailed in the House of Commons, on Mr. Peel's reciting to Members the titles of the two Acts, which, after him, we have quoted a page or two back. Indeed, the Newspapers of the day stated, that these titles, as they were read, convulsed the House with laughter. Now, really, where the warranty existed for this profound merriment on the part of the House of Commons of our times —on what possible ground Members of Parliament of the present day could arrogate to themselves, with respect to Jumbling Legislation, that superiority over their predecessors which they thus palpably laid claim to,—or, in truth, any superiority at all—we acknowledge ourselves unable, in the faintest degree, to discern. One thing, we admit we see, or think we see, very distinctly; namely, that in the ridicule or jeering in which, upon the occasion in question, honourable Members so lavishly indulged, they, with great accuracy, anticipated the verdict which posterity will pronounce on many of their own Acts; and that they affixed, innocently enough affixed, to these

acts of their own, that brand of reproach, that mark of opprobrium, which alone is their precise due.

We shall content ourselves here with the single further remark, that any thing more truly barbarous in Legislation, than the peculiarity we are speaking of;—any thing more indicative of the age in which Legislation is in its veriest infancy, we may defy the nicest casuist, the most subtle disputant, to point out.

Fluctuating character of Acts.

Again, we have a few words to say regarding that utter want of Fixedness, or Stability, which may so justly be charged upon our Laws, almost universally. We have in view here, as the reader will doubtless suppose, those everlasting Alterations, or soi-disant Amendments, which our Acts of Parliament are undergoing; and which a highly respectable Member of the House of Commons, Mr. Littleton, must, in part at least, have had reference to, when he complained so loudly of "many Acts being passed in one Session only to be repealed in the next."*

Conspicuous as may be those other traits we have noticed, in what comes from the hands of our Legislature, it is certainly the ever-changing, the cameleon-like character of its Acts, which

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* See page 23.

distinguishes them pre-eminently. To "alter," to "amend," and to "explain," are terms of such systematic, of such never-ceasing recurrence in parliamentary phraseology, that occupation of that particular nature, might very fairly be assumed to be what, *par excellence*, our Legislators delighted in. Upon a cursory inspection of our Statute Book, indeed, almost might it be imagined, that these three words constituted the whole vocabulary of Parliament. To such an intolerable pass has this system arrived, of explaining and re-explaining, of amending and re-amending, of altering and re-altering, that fearing our allegations, as to its extent, might be discredited, we acknowledge we at one time had contemplated enumerating the Acts that had been passed within a given period, and which were headed or introduced with one, or another, or all of the terms we mention. Had we persisted in this intention, not only would it have appeared, in corroboration of Mr. Littleton's statement, that vast numbers of these emendatory or explanatory Acts, respected what had passed no further back than in the Session immediately preceding—but that no despicable number of them related to Acts, passed in the very Session then existing! However, we soon discovered—besides the enormous length to which our intended catalogue would have run,—that the list

would still have left entirely unnoticed a throng of other Acts essentially of the same description; of Acts, for instance, for "removing Doubts;" Acts for "rectifying Mistakes;" Acts for "relieving from the Provisions;"—for "deferring the Commencement"—for "facilitating the execution"—for "making further Provision and further regulating and extending the Powers" of Acts, &c. —to say nothing of Acts of total Repeal; and we in consequence relinquished, reluctantly, we confess, relinquished this part of our design. For positive demonstration, therefore, should it be required, of what we are now alleging, we must refer the reader to the Statute Book itself. In the immense mass he will there see, of adscititious or subsidiary Enactments, such as we have just described, he will at once learn the most damning of all the facts connected with our Legislation. Here he will find proclaimed, far more eloquently than we can do it, the native inherent defectiveness —we could almost say deformity and even decrepitude—of most of our Statute Law. Here he will presently become acquainted with those interminable patchings-up, and bolsterings, by which alone a partial efficiency, and a precarious existence, can be secured to this Law.

Into a detail of all the evils caused by this perpetually fluctuating, this self-condemned state of our Law, we shall not attempt to enter. What feel-

ings of distrust and insecurity it cannot fail to beget; what flagrant wrongs it must of necessity perpetrate; how embarrassing it must render the situation of the numerous individuals whose business it is to give effect to the law; and in what low estimation it leads those, our Law-makers, to be held, of whom it is essential to the proper tone, and the general well-being of the community, that they should inspire us, if not with reverence, with respect:—all this, and much more, what intelligent reader is there who will not instantly perceive? what considerate mind is there that will not unfeignedly deplore?

Nor let it be supposed that these Evils, formidable as they are, and under the combined operation of which the Country is suffering, are at all in a way at present to be substantially diminished. We make this remark the more early, as well as the more pointedly, because of an impression, which some, there is reason to think, are entertaining, to the effect, that however unstable, however shifting, our Statutes may have been, in times that to a certain extent are gone by—that latterly, a more circumspect, and altogether an improved mode of legislating, particularly of law-framing, has come to obtain in Parliament. We mean, has come to obtain there systematically or generally; nothing, of course, short of which, would constitute any solid ground

for increased hope or satisfaction on the part of the public.

We repeat, that from different circumstances, there is reason to suppose the impression we speak of, is abroad; and attaching to it, as we do, the very last importance, owing to the false security, and therefore aggravated mischief, it appears to us likely to beget—it is to the exposure and refutation of this apprehension, wherever it may be existing, that, in what will further follow under the present head of our subject, we shall exclusively confine ourselves.

And as sufficient for the purpose we thus propose, we could almost be satisfied, simply to ask of the reader, whether any such Understanding is in the least likely to be bottomed in truth, seeing, as we are sure our own pages have rendered clearly evident, that there have been for many Sessions past, and that there still continues to be, the greatest press and surplusage of business in Parliament; together with the utmost haste or dispatch, amounting often to flagrant indecency, in nearly all that it does? Seeing, too, that no change whatever has taken place in the economy of Parliament:—as also that its Members have, as far as the Nation is aware, been endowed with no new gifts or faculties?

Not however to occupy time about the probabilities of the case, we will venture to assert,

and we will boldly assert, that a grosser error, a more complete delusion, the public cannot abandon themselves to, than the supposition—that our parliamentary Enactments, collectively taken, are determined upon with more premeditation, or are concocted with more care, now, than heretofore. It may with the most strict truth be affirmed, with regard both to the origination, and construction of our Acts of Parliament, that what was, still is; and that as alterations and re-alterations, explanations and re-explanations, amendments and re-amendments, in their instance, have been of old the order of the day, so does this continue to be the regular routine of things, down to the moment of our writing.

Though we have bestowed considerable attention upon the point, we protest we are unable to specify even one single subject, that, as a matter for legislation, is altogether of modern date—which, like nearly all its predecessors, has proved any thing else than the parent stock of a host of subsidiary Statutes; which has failed, in short, to contribute its full contingent, in the shape of supplementary Enactments, to the monstrously bloated and unwieldy state at which our Statute Book has notoriously arrived. — Every reader must be aware of the sufferings that nearly all classes of the labouring Poor in this country have latterly undergone, and of the willingness

Acts relating to Public Works.

expressed by the Government and the Legislature at the outset to alleviate this suffering, as far as possible, by encouraging the carrying on of public works. Most readers, too, will doubtless perceive, that relief in this form being proposed, and being assented to by Parliament, there were to be decided upon—what should come under the denomination of public Works; to what extent pecuniary assistance should be afforded to each Undertaking; and what description of security should be required, for the sums to be temporarily granted? Nevertheless, with a question so simple, so utterly free from complication as this, in coping with it, no fewer than eight Acts of Parliament have been called for, and passed!* In repeated instances, two acts have been passed upon the subject in the same Session, and from the very recent date of the majority of these various acts, the presumption is, that in adjusting this mighty matter, Parliament has as yet advanced, scarcely half way through its difficulties.—Owing, in a great measure, to the same circumstances of severe suffering among the poorer orders, Emigration has of late been forced in such a way upon the notice

Emigration.

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* Viz. 3d Geo. IV. cap. 86 and 112. 5th Geo. IV. c. 36 and 77. 6th Geo. IV. c. 35. 7th Geo. IV. c. 30. 7th and 8th Geo. IV. c. 12 and 47.

of Parliament, as to render it, or at least some of the details connected with it, one of those subjects or occasions of Legislating, which we specially distinguish as modern ones. Dating back to, and inclusive of the year 1823, nearly every Session that has arrived, has brought with it, its Act regulating Emigration; and the leading feature, it is worth observing, of each one of these successive Acts has been, that it totally abjured and nullified the particular Enactment which had immediately preceded: our law-makers thus, in the shortest possible period, presenting us with a spectacle of vacillation or tergiversation, the like to which, we presume to think, it would be impossible to find in the proceedings of any other same assembly.* While speaking of the vacillating, as well as cumulative character, of the legislation of our own times, we may mention that which has taken place regarding the Superannuation allowances of the Civil Servants of the Crown. This question was "solemnly" investigated, and settled, as the Country was given to understand, upon a lasting footing, in the Session of 1822. In that of 1824, the proceedings of 1822, solemn as they had been, and stable as it was fancied they

Superannuation allowances.

* We refer the reader here to 4th Geo. IV. c. 84. 6th Geo. IV. c. 116. 7th and 8th Geo. IV. c. 19. 9th Geo. IV. c. 21.

would prove, were altogether thrown overboard by an Act of Repeal. During the Session of Parliament now last expired, (that of 1828), notice was given by the Chancellor of the Exchequer, that the Act of 1824 would in its turn be cancelled, or that the repealing Bill of that Session would itself be repealed, to the end that all parties concerned, might go back to the position in which they were placed in 1822!

Dead Weight.

The Acts which have passed relative to what is termed the "Dead Weight," are precisely of a piece with those respecting the Superannuation Allowances.

Savings Banks.

The question of Saving Banks, the reader will immediately recognize as one of those that have altogether sprung up in, and are peculiar to, modern times. Upon these Establishments the Collective Wisdom of the Nation, in the Session of 1828 brought its faculties (of course in full focus), to bear for the sixth time.

New Churches.

Five Acts already exist touching the Building of additional Churches in populous parishes. The sixth, which had a narrow escape from passing last Session, remains suspended over our heads.

We could give further cases, but (especially with what we still have before us), we think it would be presuming too much on the reader's patience to do so. After what we have adduced,

can it, we demand to know, be maintained for an instant, that the legislation peculiar to the present epoch is one whit more deliberate—that it is at all better digested, than that of periods that are passed? Will it be pretended for a moment, that the Acts of Parliament which are solely of the present day, can lay claim to the smallest modicum of reputation, as being less desultory, less changing, and fragile—if we may use the term, than those of former times?

Of more wisdom and circumspection in our law-making—of a remedial course going to the root of the evil in our legislation, where were we so much entitled, nay, where were we so much called upon, to look for the indications, as in the description of Enactments we have just specified—that is, Enactments at once the most recent and most original; and where, consequently, all the scope that ever can present itself, offered, for the display or exercise of any spirit of Improvement—supposing it really to exist!

How far the prospect of a change, not only most desirable, but most indispensable to the general well-being, is here afforded to the Country, the reader, we trust, whatever may have been the previous bias of his mind, is now enabled pretty accurately to determine.

But some, in all probability, will be ready to exclaim, that Whatever of the ancient leaven of instability and defectiveness may be admitted to pertain to our Enactments which are altogether of modern concoction—still that latterly a decided disposition has been evinced by Parliament, to revise, to simplify, or, as it is at times called, to consolidate, certain of our *old* Laws:—to take a comprehensive survey, in other words, of the entire subject these Laws relate to; and in lieu of the many Enactments which had before existed thereon, to produce one single Law, which should be as perfect as possible, and which should so far prove final!

General Amending, or Consolidating Acts.

Than in the fact we here mention, we certainly know of nothing in which the character of our Parliament can take even momentary refuge. We are ignorant of any thing constituting so much as a presumptive saving clause in its whole conduct, except this. And, truly, the value of such efforts, provided they be commenced, carried on, and completed, with the requisite caution and ability, what rational man in the Country will for a moment dispute? Who of the public will not be forward, rather, to testify his gratitude for so great a boon as would thus be held out to the Community? Entertaining, as we do to its fullest extent, the feeling we here express, all our prepossessions, all our

first impressions, at least, must be in favour of that feature in our parliamentary proceedings which we now touch upon. And yet it is the upshot of the very efforts in question, that forces itself upon us, as containing proof, perhaps more striking or conclusive, than any other that we have offered, of the inveterate, the—as it might almost be imagined—inseparable vice or infirmity, of what issues from Parliament. We use the strong terms we do here, because the redoubted proceedings we speak of, can have arisen out of nothing but the very excess of the Evil suffered from; because they can have been prompted by nothing but a vivid perception—a consciousness no longer to be appeased—of the peculiarly crying mischiefs resulting from Laws, such as we have been describing ours to be; that is, Laws innumerable, yet indeterminate and ever-shifting.

If then, though thus powerfully instigated to action—though under such paramount inducements to put forth its strength—to screw its wisdom to the sticking place;—if here too, as on the most ordinary occasions, the Genius of Parliament has faltered, or sunk under the task it had imposed on itself, proving impotent to realize its own clear, explicit intentions,—why then, safely enough, we think we may, as we have just done, represent our case as reaching its acme—as arriving at something like a climax.

Minor objects might undoubtedly be at the same time contemplated, but our Statutes having already, almost ad infinitum, undergone changes and alleged "Amendments," manifestly the grand end—the devoutly wished-for consummation—aimed at, in these reputed Revisals or Digests of our Laws, must have been, the *fixing* at length, or the *settling* of the Law, touching the particular subject taken in hand—and the accomplishing this in one individual Enactment. We cannot compress into fewer words what the public wants required, and that to which the endeavours we are alluding to, must have been in the main directed. How far objects, the attainment of which was felt to be thus urgent; how far these grand desiderata have been, at least in the great majority of instances, by these vaunted endeavours realized;—the character of Parliament being thereby exalted, and the exigencies of the people met and provided for, we shall proceed as briefly as possible to shew.*

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* The terms in which we here express ourselves will admit of Mr. Peel's consolidating Bills remaining open for separate consideration. Those Bills, about which much has been said and written, though no one has formally proposed altering them, are either good or bad. If they are the latter, they need not constitute an exception to our rule; if they are the former, they demonstrate what may be done in the way of effectual Consolidation, when the task is undertaken by parties really having the qualifications requisite, and being firmly re-

General Amendment, or Consolidation of Marriage Acts.

After as many as four separate acts, in addition to the pre-existing ones on the subject of Marriage, passed within a very short preceding period, and by the provisions of some of which, the country, as will be remembered, had been thrown into a universal ferment—a Bill, of the nature of a Revisal or Digest of the whole of the Marriage Laws, was prepared, brought into Parliament, and passed in the Session of 1823. This Bill was avowedly founded on the Report of a Committee of the House of Lords "on the state of the Marriage Laws generally;" and it came forth with a correspondingly compendious title. The prime Minister of the country, Lord Liverpool, as early as in the Session of 1820, had declared that the Marriage Laws required alteration.* The interval had been occupied, as we set out with intimating, with what may be called probationary attempts at improvement; and the crowning effort of the whole was the act we have just described, viz. 4th Geo. IV.

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solved to bring these qualifications to bear on the business they engage in. These qualifications and this resolution, Mr. Peel, it is certain, in the case of his bills, *did not look for within the Walls of Parliament.* And there was this further peculiarity, and we should say—excellence, in the Right Hon. Gentleman's mode of proceeding,—namely, that instead of entrusting the work of Consolidation to a single individual, however gifted, he required, on each occasion, the co-operative talents or services of many.

* See the debates in the House of Lords, July 17 of that year.

cap. 76.—It soon proved, however, that the three years of preliminary practice had been insufficient for the desired purpose, and in the very next Session a supplementary Bill was called for and passed, viz. 5th Geo. IV. cap. 32, entitled, "An Act to amend an Act of the last Session of Parliament, entitled 'An Act for amending the Laws respecting the Solemnization of Marriages in England.'"

In the next ensuing Session, a new supplementary Bill was found to be necessary, and the 6th of Geo. IV. cap. 92, was enacted accordingly.

In this state, the Law respecting the "most solemn and fundamental of human Compacts" has since remained; and perfectly natural would it be to suppose, that though the revisers of this law had failed to achieve one of their objects—namely, the having a single act only on the subject of Marriage—still that they had succeeded in accomplishing the other; viz. the settlement or fixing of the Law: that is, succeeded in producing Enactments so far clear, comprehensive, equitable, and befitting the circumstances of the Country, as happily to preclude for a long period to come, further incertitude, change, or agitation in the matter.—Of these very Acts it is, however, that the learned Judge of the Consistory Court, soon after their passing, openly affirmed, that they imposed upon him the greatest

difficulties, such was the obscurity that hung about them!* These are the Acts, of which it is observed, that without going into the question of their practical operation, there is the strongest presumptive evidence against their wisdom, in that they are at once at variance with what the law of England regarding Marriage originally was—and with what the law of Marriage every where else is.† These are the Acts, of which a Journal of high repute has very recently remarked, that in tolerating Scotch Marriages of English people, they tolerate that, which nullifies their own most specific and positive enactments upon the most important of all subjects: tolerate that, where the diversity is entire and extreme; where the securities are none; where the transition is from great, elaborate, even excessive care and precaution, to a total absence of all care, and every precaution:—thus causing a state of things to exist, pre-eminently pregnant with inconvenience and mischief.‡ These are the Acts, we beg further to remind the reader, under which cases of such atrocious wrong occur, that not-

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* See the proceedings in that Court, April 28th, 1826, in the Suit for a Nullity of Marriage.—King v. Sampson.

† Speech of Lord Lauderdale in the House of Lords, June 7th, 1827.

‡ The Edinburgh Review, published January, 1828.

withstanding the multiplicity of its other cares, Parliament itself is compelled to interfere, and by a special, or what may be called interlocutory Act, to mete out justice for the particular occasion.* These laws too, let it not be forgotten, are open to the additional imputation of allowing to some who differ from the established religion, the right of celebrating marriage according to their own forms, and of arbitrarily withholding this right from others; of *permitting to the rich the privilege of Divorce, and denying it to the poor:*—while so peculiar is their operation with regard to that large class of his Majesty's subjects, the Irish Catholics, that, according to the decisions of our Police Magistrates, these parties, however firmly united in wedlock in their own country, may, on arriving in this, set the conjugal tie at defiance, and enjoy, if they so please, an entire immunity from its obligations.

Under these various circumstances, to speak for a moment of our having obtained any thing which by possibility can be called a Settlement,

* As most will probably imagine, we have in view here the case of Miss Turner, during the discussions upon which in the House of Lords, the grievances incidental to our present Marriage Law, were felt to be so great, that several Peers, amongst whom was the Marquis of Lansdowne, peremptorily called upon the Government for an alteration of the Law. Mr. Sec. Peel upon the same occasion, in the House of Commons, declared the existing state of the Marriage Law was such as to demand immediate attention.

Digest, or Fixing, of our Law respecting Marriage, would be a waste of the reader's time which we do not intend to be chargeable with.

General Amendment, or Consolidation of Bankruptcy Laws.

Again, how stand the facts in another redoubted case—we mean that of digesting, as was professed, simplifying, and reducing into one final Enactment, the laws concerning Bankruptcy!

After a previous Bill, passed only a few weeks before, regulating the proceedings in Bankruptcies under joint Commissions, an Act was in the third Session of George IV. [1822], brought into and passed through Parliament, under a similarly comprehensive title to that of the 4th Geo. IV. already noticed by us relating to Marriage. The Act in question, 3d Geo. IV. cap. 81, is indexed in the Statute Book as "an Act to amend the Laws relating to Bankrupts generally."—This reputed emendation, however, of these Laws "generally," speedily turning out to be a perfect nullity—totally inadequate, in short, to the public exigencies; and a strong feeling prevailing, of the positive necessity, in a Country so highly commercial, of having an explicit and perspicuous, as well as stable or fixed law, regarding Bankruptcy—a grand effort—a sort of long pull and strong pull, was resolved upon by Parliament; and as the result of the parturitive process, forthwith there presented itself to the na-

tion, 5th Geo. IV. cap. 98, entitled "An Act to consolidate and amend the Bankrupt Laws;" and having the following for its preamble,—"Whereas it is expedient to amend the Laws relating to Bankrupts, and to simplify the language thereof, and to consolidate the same, so amended and simplified, in one Act, and to make other provisions respecting Bankrupts, be it therefore enacted," &c. &c.

Here then, after many hopes, much agitation, and long protracted labours, a new and cheering prospect unfolded itself. "Here," said the numerous parties more immediately interested in the subject, "here, at length, terminate our doubts, our ever-recurring perplexities, and disputations, with regard to what is Bankrupt Law, and what is not! Here a solid resting-place, something really tangible and abiding, presents itself, after the obscure, the tortuous, the every way questionable path we have hitherto had to tread!" And under the circumstances, and seeing, too, that the Consolidating Act, comprised no fewer than One Hundred and Thirty-three Sections, nothing certainly was more warrantable than to reckon, that besides being worded with sufficient study, this Act met and duly provided for, as far as human skill could do this, every possible contingency.—What then will be the surprise of the general reader, when we state,

that after this very elaborate production, one single year did not revolve, before the Journals of Parliament—as if absolutely nothing whatever had been done in the business, presented us with precisely the old routine notice, of " a Bill to amend the Laws relating to Bankrupts!"—Well, but this further Bill, it will be said, was only to correct some little oversight—perhaps a clerical error; or it respected some individual case of no great moment, which from its very diminutiveness had escaped attention. Happy indeed for the reputation of our Legislature would it be, did this charitable surmise correspond with the reality. On the contrary, however, the new law, 6th Geo. IV. c. 16, occupying forty-two pages, and containing one hundred and thirty-six clauses or sections, was a complete abrogation—an entire and unqualified repeal of the preceding or consolidating act.—And thus, in one short twelvemonth, were shivered to atoms the sanguine hopes, the fond calculations, we have just described; and which it was almost unavoidable for the parties we have spoken of, and indeed for the whole nation, to indulge in.

Still, as every one will foresee, because it is agreeable to one of the first principles of our nature, these atoms of hope would after a time again congregate.

In short, by what was now ultimately enacted,

a fresh and improved consolidation of our Bankrupt laws being professedly effected, the public, notwithstanding the previous shipwreck of their just expectations, would involuntarily suffer their confidence gradually to revive, and anew would it gravitate towards—anew would it attach itself to, and settle around, that, which Parliament had been pleased "solemnly" to pronounce Law. We can even fancy that some would go so far—and we hold such simplicity to be every way venial, as to look upon what had before occurred, in the light of a guarantee, of a proof—and a clinching of the proof, that what was now produced, would be Consolidation, and indeed Legislation, in its very perfection!

Have then these pleasing anticipations been realized? Is the country at last in the possession of that to which all this amendment, consolidation, and re-consolidation, so plainly pointed—namely, a well-digested, wise, adequate—and, in this, a fixed or settled Law regarding Bankruptcy:—and which, though 'twere only in requital for its past disappointments, the nation most richly merited? Oh, no! must be the painful reply of every one at all competent to answer the question.

We ourselves deem it a sufficient ground for condemning the re-consolidated Act, that it leaves utterly unredressed, nay, that it aggra-

vates, the evils long sustained from the existing system of *working* Bankruptcies;* a system which the Country has been taught, on high authority, to pray for the destruction of. But, totally apart from this objection, the New Act, as the whole public can vouch for, has given rise to demurs and difficulties in our Courts—almost unprecedented for their number and magnitude. It appears to have posed, and, in truth, set at defiance, the acumen of our lawyers of all grades, more than any other legislative Enactment or Enactments of modern times. "This Act," said the Vice-Chancellor, April, 3d, 1827, "must be amended, and it will be of the utmost benefit to the public when the amended Bill is brought in ——" "The amended *Bill*—" exclaimed Mr. Montague, "three or four Bills, must be brought in, before justice in Bankruptcy Cases can now possibly be administered!" This has been more or less the testimony of nearly every Counsel, Judge, and, indeed, Tribunal, in the Kingdom.

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* We refer the reader here to a very important Statement of Mr. Abercromby's in the House of Commons (Feb. 16, 1826), in his capacity of a Commissioner of Bankrupts; wherein he deliberately affirmed for himself and his brother Commissioners, that the Act of the 6th of Geo. IV. imposed Duties upon them, which, from their habits of life, and their means of information, they were quite incapable of performing.

The immediate framers of the Act, alive, at length, to its palpable defectiveness—to what the Quarterly Reviewers admit to be its "inaccuracies of execution*"— have, in two separate Sessions of Parliament, taken it in hand again to "improve" the Bankruptcy Law: or, in other words, to correct the ricketiness of their progeny; but on each occasion have they abandoned their attempt—to all appearance from very hopelessness of doing, so far as their faculties would assist them, any good in the matter.

We cannot help making formal mention here, of the alarmingly desultory way in which Parliament proceeds, even when its far-famed Acts of Simplification, Digest, or Consolidation, are directly concerned; and of the poor earnest that has been afforded us, in the case of the Bankruptcy Law particularly, of the real value of any further Legislation that may take place on the subject. The second of the two attempts we have just spoken of, for the Amendment of the Act of the 6th Geo. IV.

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* See the Quarterly Review, published January, 1828. It is in all probability, the re-consolidated Bankrupt Act which is alluded to in the same article of that Journal, where it states, "We ourselves could name *a single section* of a modern and not undistinguished Act, which besides occasioning divers law-suits from its ambiguous phraseology, has drawn as many as sixty learned opinions on Cases affected by it, from one Lawyer."

had proceeded so far in the House of Commons, (May 23d, 1828) that the Bill for this purpose was, on that day, read a third time. *After it had been read a third time*, and consequently, when every one would suppose the Bill had had all the benefit of the fullest conflict of opinions, so as to be every way matured—after this, not only was an additional clause proposed and added to the Bill, but a Motion was made to leave out the words from pr. 1, line 14, to pr. 2, line 13; being, in fact, the whole of the first clause of the Bill: whereupon, the passing of the Bill was adjourned for a fortnight, or till after the Whitsun holidays.—It was in the House of Lords that this Bill was subsequently abandoned.

General Amendment, or Consolidation of the Customs' Laws.

Again, we beg to direct attention for a few moments, to the boasted Amendment, Digest, or Consolidation, of our Laws relating to the Customs.

This signal operation was effected in the Session of 1825. We have different statements before us as to the number of Acts of Parliament then revised. Suffice it to say, it was very great; but with a view to so important an object as the Simplification of our Customs and Navigation Law, and by dint, as was alleged by Mr. Huskisson, of "an immense deal of labour," these numerous Statutes were assorted, and in

the end condensed into Ten Separate Acts;—each one of them embracing, and, happily, confining itself to, a distinct branch of the large and, heretofore, most intricate subject of our Foreign Trade and Customs. The New Acts, indeed, respected, severally, the Management of the Customs; the general regulation of the Customs; the prevention of Smuggling; the encouragement of British Shipping and Navigation; the registering of British Vessels; the granting Duties of Customs; the Warehousing of Goods; the granting certain Bounties and Allowances of Customs; the regulating the trade of the British Possessions abroad; and the Regulating the Trade of the Isle of Man. Independently of these, a sort of prefatory Bill had been passed, repealing those particular Acts which were considered to be superfluous, or that were now, in a different form, re-enacted.

As in the case of the Bankrupt Law Amendment or Consolidation, with joy was this great change in our fiscal Laws witnessed by a very large portion of the Community; while the foreign Trader, and our various Revenue functionaries more especially, anticipated for themselves, as compared with the past, halcyon days.

But, let us hear the Statement uttered in Parliament, only one Session after. "An al-

teration in the Consolidated Customs' Laws is necessary!"—"An addendum to the new Laws respecting the Customs is required!"* Ominous words truly, and lamentably were they borne out in the sequel:—for ere the newly arrived Session—that of 1826, expired, came the threatened "addendum," 7th Geo. IV. c. 48; and with it, Chaos came again into the entire system of our Custom House law or regulations. With the addendum came, *secundùm artem*, the undoing—we had well nigh said—of all that had just before been done:—with it, however, at the very least, came *the Alteration*, without a single exception, *of every one of the ten Acts of* 1825; with it came the formal restoration to their place in the Statute Book of divers of the Statutes, which, by the recent Enactments, had been, rashly it would seem, expunged from it; with it came Saving Clauses and Exceptions almost out of number; and, to crown the whole, these very compendious—these widely dissimilar measures, were all wrapped up—all "fagoted" (for we care very little about the marginal references that were at the time insisted upon)—all fagoted together, in one and the same Act!

Not to detain the reader unnecessarily, the

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* Speeches of Messrs. Herries and Huskisson.

Voice—the same ill-boding Voice we have spoken of—has, in utter despite of all the promises made to us of Simplification or Consolidation in the case, been heard in Parliament *every Session since* :—the result in each instance, being a lengthy and again jumbling Enactment, viz. 7th and 8th Geo. IV. c. 56, headed, " An Act to amend the Laws relating to the Customs;" and 9th Geo. IV. c. 76, bearing precisely the same title.

It was said, somewhat triumphantly, by Mr. Huskisson, not long after the introduction into Parliament of the Customs' Consolidation Laws, that under the old, complex, oppressive, and vexatious Regulations, the most astute and experienced merchant always required to have his lawyer at his elbow, for fear of contravening them; and that, even with that assistance, he could not get on, without feeing the Custom House Officer, to preserve himself from those difficulties and embarrassments, into which he was every moment in danger of being unwittingly entrapped. How the astute and experienced merchant finds himself circumstanced under the New Law, with its now numerous supplementary Enactments, we pretend not to be accurately informed; but so multifarious, so intricate, and involved, appear to us to be their provisions, that, as often as we have looked

at them, we have instinctively exclaimed,—Heaven bless and help the Wights whose business it is to understand and conform to them! And the reiterated attempts we have enumerated of Parliament, "more perspicuously to exhibit"* its intentions in the matter, are an ample confirmation to us, and will be, we think, to others, of the humanity of this our invocation.

Passing by the general amendments or consolidations of our Vagrant Laws—of our Acts for the regulation of Gaols—of our Malt Duties' Acts—of the Acts for the Abolition of the Slave Trade—of the Acts regulating the licensing of Public Houses—of the Acts affecting Lunatics of different classes:—each of which constitutes to a greater or less extent a case in point here, and offers materials for grave comment—we shall adduce, in conclusion, the Digest, Revisal, Consolidation, or whatever else it may be called, that has latterly been effected of our Turnpike Road Laws.

General Amendment, or Consolidation of Turnpike Road Laws

If ever our Law Revisers, or Consolidators, advanced to their task under circumstances peculiarly auspicious—promising, indeed, a pre-eminently successful issue to their endeavours—it was in the instance we now particularize.

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* See the Act of 1826.

The Committee of the House of Commons, upon the subject of the Acts in force regarding Turnpike Roads, reported, July 10th, 1821, that "they would have proceeded further in the course they had adopted, of calling before them persons competent to assist them in the objects of their enquiry; but, that they found it needless—the House being already in possession of a great mass of matter bearing upon the subject, [In how many other cases would not the same statement apply!] successively reported to the House, from a Committee appointed to consider of the Acts relating to Roads, &c. in 1808, and in succeeding years. A very valuable Digest of the voluminous matter contained in these Reports," the Committee went on to say, "was afterwards published by the late Mr. Edgeworth, to which also they had referred." The Report, of what was in effect the same Committee, dated June 25th, 1819, had presented the House with the following sketch of the duties which the Committee were prescribing to themselves:—"the reduction of the various proposed improvements of our Road Laws into proper form—the digesting the various provisions of former Acts—the expunging what was useless or injurious therein—the reconciling what was contradictory—and the re-modelling and arranging what was sound

and useful." And the second Report we here cite from (though the earliest in date), contained further, a distinct pledge on the part of the Committee, that they would "fully mature the requisite plan for amending the Laws relating to the Turnpike Roads."

The first result of these long protracted—these seemingly profound labours, was, what the Report of the Committee of 1821 designated "a Bill for the amendment and consolidation of the general Turnpike Acts;"—a Bill, however, which this identical Committee subsequently thought proper entirely to "re-model." The re-modelled Bill even then stood over till the next Session, when it was formally presented to, and passed through Parliament. This Act (3d Geo. IV. c. 126), entitled "An Act to amend the general Laws now in being for regulating Turnpike Roads, in that part of Great Britain called England," repealed every existing Act on the subject of these roads; and as to bulk—and adequacy so far, to the public wants in the case, it contained one hundred and fifty-three Sections, besides eleven pages of Tables, Schedules, &c. and filled out eighty-three folio pages.

Of the anticipations of good, and of the feelings of placid content, we might almost say of repose, with regard to the Turnpike Road Law

for the future, which this Bill gave rise to, a tolerable idea may be formed from the language of a gentleman of the long-robe, [J. Bateman, Esq. of Lincoln's Inn] who, in editing the Act soon after it passed, thus expressed himself:—"Of an Act framed with so much care, passed so slowly and deliberately through both Houses of Parliament, treated in all its stages with the most unbiassed and praiseworthy attention, and which in its progress has undergone various alterations and amendments, it is confidently expected that it will be the means of rendering the most essential service to every class of his Majesty's subjects; and will thus reflect credit both on the gentleman who framed and introduced it, and the Parliament by which it has been passed."—This was the language of hope—of rational expectation. Now for that of experience;—now for the chronicler, after two brief years only had elapsed, of actual events. "The State of the Law," [we quote from *the Law of Turnpikes*, published by Mr. W. Cobbett, Student of Lincoln's Inn, soon after the close of the Parliamentary Session of 1824,] "the state of the Law regarding Turnpike Roads is at the present time such, as to be calculated to do nothing but bewilder the reader, and lead him into error. Including the Act of 1822, which consolidated the whole

of the old laws, there have been passed up to this date, altogether *five Acts* on the subject of our Turnpike Roads. Two of these Acts, viz. 3d Geo. IV. c. 126, or the consolidated Act, and 4th Geo. IV. c. 95, are of great length; and *the last of them repeals nearly one half of the Clauses that were contained in the first.*"

What! we think we hear every intelligent reader crying out to himself—" a Consolidating Act which it took years to concoct;—its framers, too, having all the benefit of a valuable digest of the Materials they were to proceed upon—this Act carefully modelled, as alleged, and remodelled—then, according to the earliest Commentator upon it, Mr. Bateman, passed through Parliament with the greatest slowness and deliberation, with the most unbiassed and praiseworthy attention;—subsequently, too, stayed up by several collateral or tributary Enactments:—all this, and more than this, and yet, within two Sessions of its first passing, one moiety of the Act proving so incorrigibly defective as to require cancelment—no, no, no! the account is incredible! the allegation is so monstrous as to carry on the face of it, its own refutation!" Incredible, monstrous, or impossible, however, as the thing may appear, the facts are precisely as here recorded: and furthermore we beg to apprise the reader, that should Mr. W. Cobbett,

Mr. Bateman, or any other learned gentleman, be hardy enough to print *the Law of Turnpikes* as it exists at the period at which we write,* he will have to say, that the general Laws now in being regarding Turnpike Roads, commencing with the grand one of 1822, are in all *seven!!* two Bills of considerable length having been passed since the date of Mr. W. Cobbett's publication, viz. 7th and 8th Geo. IV. c. 24; and 9th Geo. IV. c. 77; each entitled, "An Act to amend the Acts for regulating Turnpike Roads;" and each presenting us with further Repeals, fresh Explanations, new Enactments, and additional Amendments, of the Road Law.

But, bad as this state of things is, the most aggravating feature, as we deem it, in the case, yet remains behind. We allude to the fact, that only two years after the Consolidating Bill had passed—that Bill, preceded by fourteen years' note of preparation—and which came attended with so much pomp and circumstance;

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* We use the phrase "hardy enough," because we think the disposition a bold one in Lawyers, to undertake laborious Analyses, and elaborately illustrated Editions of Laws, of so ephemeral, or at any rate of so protean-like a character as ours are. With respect to these Analyses, Commentaries, &c. our personal sympathies are in either alternative excited. That is, if these works (dear ones all the world knows them to be!) don't sell, we feel for those who write them: if they do, we unfeignedly condole with those who buy them.

only two Sessions after this Bill had passed, the Act itself had no more place in the consideration of Members, than the by-gone visions of a dream. And how is this to be proved? the reader will in all probability say to himself. We answer, Thus:

On the twenty-fifth of March, 1824,* Mr. Cripps rose in the House of Commons, and moved, pursuant to notice, for leave to bring in a Bill to amend the several Acts passed in the 3d and 4th of Geo. IV. relating to Turnpike Roads. After a few words from Mr. Frankland Lewis, and Sir M. W. Ridley, the latter of whom recommended a postponement of the matter—Mr. Secretary Peel expressed his concurrence in the wish, that his honourable friend would withdraw his motion for the present. "*Let the House, and the Country,*" said the right honourable Secretary, "*await a year or two of further experience, and then come practically to the consideration of a permanent measure!*"—Again, but after an interval of two more Sessions had elapsed, and, as if it were determined evidence should not be wanting of the entire oblivion into which the Consolidating proceedings of 1822 had passed, the public

* See the debates in the House of Commons of that date.

Journals contained as follows:* "Sir Thomas Lethbridge moved that the House should resolve itself into a Committee on the Turnpike Acts' Bill. Mr. Baring observed, that if the honourable Baronet would consent to withdraw the present Bill, and leave the matter as it stood, *till the Turnpike Laws could be consolidated,* he would, in his opinion, act judiciously. Mr. Cripps argued that it was desirable to withdraw the present Bill *with a view to the Consolidation of the Road Law.* Mr. Frankland Lewis then rose, and stated, that *the Consolidation of the Turnpike Laws was a task which he had proposed to himself, and which he was perfectly willing to undertake. The question was a most important one, and certainly the difficulty attending the proposed Measure would be great, owing to the complexity of the subject and the variety of connexions which it had. But he was ready to commence preparations for the purpose!*"

For ourselves, we protest we are dizzy with Emotion, as we extract and write what we here do. Our state is one of literal bewilderment at the scene we have before us!

In the latest publication of a popular, and, what is more, a Tory writer, of the present day,

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* Reports of the debates of March 27th, 1827.

we have read of "the Majesty of British Legislation;" and of this same "Majesty" as proving, in an instance which the writer refers to, the "scorn and laughing stock" of the people. In the House of Commons itself too, not very long since, it was openly predicted by an eminent Member, "that the time would come, when certain of the labours of that House, would be looked upon by the Country, with the greatest astonishment—if not with the utmost contempt."* This language of these gentlemen was called forth in each case, as our statement implies, by an individual Operation or Act of the Legislature, to which their earnest attention at the time happened to be drawn. What then may not our feelings be supposed to be, at the close of such a recital as has immediately preceded! Or, as we throw back but a glance, upon the vista of flagitious Legislation, through which we have been led! These feelings, we can assure the reader, are most strong ones. The only loose, however, we will give to them, is by asking, by frankly asking—In the event of Parliament persisting in its present career—of our Legislature either haughtily or unwittingly deci-

* See respectively Dr. Philpott's "Letter to a Layman," published 1828, and the Speech of Mr. Spring Rice in the House of Commons, May 26, 1825

ding upon no change in its arrangements—upon no alteration in its courses—what can prevent, what, in that case, can avert the crisis, of the "Scorn," of the "Contempt" of the nation, coming to attach—not to one or two only of its Acts, but to its proceedings universally?

If we desist here from the directly inculpatory part of the present pages, it is from any thing but a want of further materials. Passing on indeed, from that which is undertaken, and, in one way or another, *done*, by Parliament, we might, we conceive, derive a most solid additional ground for our main "Argument," in that which is left by Parliament, *undone*. And this, it is highly probable, we should in no small number of instances make to consist of that, which after all, most imperatively requires doing.

We are quite sure, however, that there is gravamen enough in our case, as it at present stands.

SECTION II.

The idea appears to be a very prevalent one, that whoever puts himself forward to unfold or denounce Vices in our Social System, is bound at the same time, to come prepared with an adequate remedy for what he denounces. We, in a great degree, deny that this obligation exists; being firmly persuaded that a faithful exposition of Wrong of any sort, is of itself a benefit conferred on the Community, though the Author of the exposition (we are supposing him to be a private and irresponsible individual), is the propounder of nothing else.

In the present instance, however, we have made it no secret, that what will prove, to a great extent, corrective or remedial in its operation, is, as we think, within reach. Nor have we disguised from the reader, what the nature, generally, of the cure, or at least the palliative, contemplated by us, is.

In proceeding further to develop the Views we

entertain, we hope not to lay ourselves open to any charges of overweening confidence in what we may prescribe— of anything approaching to dogmatism in the suggestions we shall offer. If we act up to our wishes in this respect, more credit will be due to us than may at first sight be imagined. For we write, not till after long and attentive consideration bestowed upon our subject. Our temperament, moreover, is of the sanguine order—of which it is some proof, that, where important desiderata are in question, the mere mention of "Difficulties" has ever with us been an incitement—not, as seems to be too often the case with others, to supineness—but only to closer cogitation, to more concentrated thought upon the matter. Added to which, as it regards the devising and enforcing of regulations or arrangements, having for their object our social well-being, the buoyancy of our hopes is such, that provided it be to men of ability and integrity combined, that the task is assigned, by them, as we firmly believe—Every thing will be found to be practicable.

To the magnitude of what we have taken it in hand to treat of, we certainly, however, are not blind; and we can with strict veracity affirm, that we shall esteem our own exertions to be in no mean degree rewarded, though their effect should be but of the inceptive kind:—though

they act but like leaven to the public mind—setting to work the faculties of abler parties than ourselves, and securing ultimately those measures, be they what they may, which the flagrant state of things it has fallen to our lot to lay before the reader, calls for.

MATTERS TO BE REMOVED OUT OF THE JURISDICTION OF PARLIAMENT.

It may be proper at once to observe, that the further Division of the Labour of Parliament which we have in view—and to which our own decided impression most assuredly is, that the Country must eventually come—is not a more equal or uniform division of this Labour as among Members themselves;—very perfection in that respect, or something very like perfection, being already professedly attained by the standing orders or interior regulations of Parliament. No; the further division of the Labour of Parliament which we are the advocates of, is as between Parliament, and other Individuals of the State. At least it goes to the relieving the Legislature—to the distinctly taking away from it—of part of its present Duties. And unless it can be shewn that these Duties do not need discharging at all, manifestly, upon withdrawing them from their old jurisdiction, they must be allotted to some new, or different one.

Matters of mere Form

The first of the Cases, then, which we would positively prohibit from being brought before Parliament, are THOSE IN WHICH THE INTERFER-

ENCE OR OPERATION OF THE LEGISLATURE IS NOTORIOUSLY AND ALLOWEDLY A MATTER OF MERE FORM.

We give the priority here to this portion of the Business of Parliament, not because we deem its removal to be most pressing, but because we think the change with regard to it, will call forth fewest objections, and so far, if on no other grounds, may be effected with most facility.

In all civilized Countries, a variety of Acts, which are Deviations from the ordinary course of things, are perfectly allowable, provided they previously receive the *Visa*, as it were, of certain Authorities of the state. Merits, the cases have none; or at least no disputed merits. A technical statement of the circumstances, duly attested, is indeed necessary; and this furnished, the process of awarding the desired sanction—of conceding the requisite warranty—results, we believe we may say, inevitably. The agency of the Umpires, if they may be so called, in the affair, is in no degree deliberative; it is, on the contrary, purely ministerial—next, in reality, to what is involuntary and mechanical. Is it asked, To what part of the proceedings of our Parliament these observations are meant to have reference? We answer, without a moment's hesitation, that they have reference to—all Bills brought before the Legislature, authorizing Indi-

viduals to change their Names, or empowering them to make some alteration in their Armorial Bearings;—to Naturalization Bills;—and to what are termed Estate Bills.

Of course, after what has just been said, it is not on the score of one jot of mental labour or solicitude caused by these Bills within the walls of Parliament, that we object to their being entertained there. It is the outlay, the expenditure of the Time of the two Houses, which the Bills in question occasion, that our opposition, as it concerns them, all hinges upon. —What validity there is in this ground of objection, will instantly be evident from the following details, which hold true of all Private Bills. Nothing, we apprehend, can prove more decisively the ponderousness, as we have already called it, of the Machinery of Parliament; as well as that the working of this Machinery is any thing but a trifling operation, though its mere physical movements be all that is regarded.

A Bill of the kind under consideration being to be brought into Parliament, a Petition must be presented by a Member, setting forth the object contemplated, or what is sought to be obtained. This petition is referred to a Committee, and they subsequently make a report thereon to the House, upon which, leave is

given to bring in the bill. The Members directed to do this, present the Bill in a competent time to the House, duly drawn out, with proper blanks for dates, &c. or where anything dubious occurs. This is read a first time, and, at a convenient distance, a second time; and after each reading, the Speaker opens to the House the substance of the Bill, and puts the question,—Whether it shall proceed any further? After the second reading, it is committed—that is, referred to a Committee selected by the House. After it has gone through the Committee, the Chairman reports it to the House. The bill is then ordered to be engrossed. When this has been finished, it is read a third time. The Speaker then again opens the Contents, and, holding it up in his hands, puts the question, that the bill do pass? This being assented to, the title is settled, and one of the Members is directed to carry the bill to the Lords. Attended by several more, he carries it to the bar of the House of Peers, where he delivers it to their Speaker, who comes down from his wool-sack to receive it. And here, the engrossing excepted, the bill passes through precisely the same forms as in the other House.*

* We copy these particulars, nearly verbatim, from Blackstone.

We feel the fullest confidence that the reader will concur with us, when we say, that circumstanced as Parliament is, this naked narrative ought to suffice to ensure the death warrant, of the whole of that class of its business, which we have set out with proscribing.

That the Legislature—to the necessary retardment of those vitally important Questions which are constantly awaiting its scrutiny or adjudication—should be called upon to undergo the train of operations, the tissue of formalities, just specified, in cases so totally arbitrary, so entirely ceremonial, as—that Kitty Jenkyn Packe have power to take the Arms of her uncle Reading—that Phœbe Boode be entitled to the rights of Citizenship—that Dorothy Clowes have authority to grant Leases—Lettice and Ann Unett to exchange Estates, &c. &c. &c.—that such a liability merely should exist—that it should barely be possible for the Legislature to be required, for such purposes to consume any portion of its valuable time,—ought, we contend, to lead to the ouster, to the ejectment, at once and for ever, from out of its Cognizance, of the entire class of Matters we are particularizing.

And let it not be supposed that it is only a bare liability thus that there is cause to complain of; that, in short, the Acts of which we

are speaking, are few, and consequently undeserving, in an argument like the present, of serious notice. As it regards those, authorizing changes of Names, or Armorial Bearings, it is certainly true, that since the Session of 1822, the only one passed, besides that which we have already twice adverted to [Kitty Packe's], is the following:—6th Geo. IV. "An Act to enable James Wakeman Newport, Esq. and his first and other Sons, and their Issue Male, and his and their respective Children, to assume and use the name and bear the arms of Charlett, pursuant to the will of Arthur Charlett, Esq. deceased."

The number of Naturalization Bills, however, which Parliament has been required to pass, commencing from the date we have just given, is more considerable. It has been in all *Thirty-two*.—But the Estate Bills of the same period have been perfectly formidable—amounting in the whole to *One Hundred and Ninety-seven*. In neither of the Sessions that have intervened, has the number passed of these latter Bills been fewer than twenty; while in others, it has been as high as thirty-seven, and forty-three; which is an aggregate of Legislation, equal, at one period of our parliamentary history, to the entire labours of the Session.

We scarcely imagine it will be objected to the

change we are suggesting, that in these Matters of mere Form, as we term them, some vital Constitutional principle is mixed up. Admitting it to be so, acts in which principles equally vital are concerned, are done in the country almost every day, the faculty of legalizing which, exists by Deputation. We presume it will be allowed, that the Property, and that the Lives of Men, are of as much moment to them as their Names or Armorial bearings: but in how many instances is the disposal of these both, vested in parties—not the primary sources, the original depositaries, of all power;—but parties to whom, as we have just intimated, power is deputed! Again, the Outlawing, if not the sending to Botany Bay, our own Citizens, together with the processes by which Entails are cut off, women barred of their Dower, Partitions of Estates effected, and the like—are Cases, we humbly conceive, involving principles to the full as vital or fundamental, as those which are implicated where the question is one—of conferring the privileges of fraternity on the Citizens of other Countries;—or of giving increased powers to Proprietors or Trustees—which is what is for the most part done by Estate Bills.

But a word or two, as to the reality of a fundamentally important principle being involved in the Acts or Measures we are considering—so as to

render indispensable therein a resort to the fountain-head of all authority—the supreme legislative body of the Country. If then it be actually the fact, that in such matters the Constitution is, as it were, touched in the apple of its eye; or that one of its very bases is in danger of being subverted—how comes it to pass, that the self-same result, the identical end sought to be brought about by the proceeding in Parliament, may be attained by the decree of an Authority decidedly subordinate to the entire Legislature? Or, may accrue by a mere fortuitous train of circumstances;—nay, even by literal chance-medley?

In the case of parties desiring, for themselves or others, to exchange, or in some way alienate, to effect a partition of, or to lease out, particular Properties, (one or the other of which objects is generally that of Estate Bills), we believe it is, in the great majority of instances, entirely optional, whether recourse shall be had to Parliament, or to the Court of Chancery: the jurisdiction of this latter Court, over property, and almost over persons, being notoriously all but absolute:—and where too, it is worth observing, Justice, on the occasions we are speaking of, is quite as much secured, as by going to Parliament; it being a condition, according to Blackstone, that not one of the objects contem-

plated by Estate Bills, shall be capable of being effected, and not even the application itself entertained, "without the consent, expressly given, of all parties in being, and capable of consent, that have the remotest interest in the matter."*

Again, we will take the case of a change of Names, or Armorial bearings. Of the ample sufficiency here of the bare fiat of the Sovereign—of the simple Sign Manual—the reader will instantly be reminded by the following notice, which meets our eye in the London Gazette, almost at the moment of our penning the present page:—"The King has been pleased to give and grant unto Henry Alington, of Louth, in the county of Lincoln, Esq. second son of the Reverend Marmaduke Alington, of Swinhop-house, in the same county, Clerk, his Royal licence and authority, that he and his issue may take and from henceforth use the surname of Pye only, and also bear the arms of Pye, pursuant to the last will and testament of Sarah Rowe, late of Malpas, in the county of Chester, spinster, deceased;

* Commentaries, book ii. chap. 21.—This single condition evidently supersedes the necessity of almost any other legal proceeding being required for accomplishing the purposes of Estate Bills, than the official "Enrolment among the public records of the nation, to be preserved as a perpetual testimony," of the act that thus, by the agreement and desire of all the parties concerned, is arranged to take place.

such arms being first duly exemplified according to the laws of arms, and recorded in the Herald's Office, otherwise his Majesty's said licence and permission to be void and of none effect."

Further—as to the Naturalization of Foreigners;—we thus read in the same distinguished Author we have recently quoted: "Every foreign seaman who in time of war serves two years on board an English ship, by virtue of the King's proclamation, is *ipso facto* naturalized. Likewise all foreign Protestants, and Jews, upon their residing seven years in any of the American Colonies, without being absent above two months at a time, and all foreign Protestants, serving two years in a military capacity there, or being three years employed in the whale fishery, without afterwards absenting themselves from the King's dominions for more than one year, shall, upon taking the Oaths, or making Affirmation, of, &c. be naturalized to all intents and purposes, as if they had been born in this Kingdom."*

To this statement we beg to add, as a thing within our own recollection, that seven or eight years ago it was affirmed, and not for a moment denied, in Parliament—that any Alien, on happening to buy, or become a holder of Edin-

* Blackstone, book i. chap. 10.

burgh Bank Stock, was thereby, "to all intents and purposes," rendered a Naturalized British Subject; entitled to, and thenceforth enjoying, precisely the same privileges, as though the Legislature itself had been applied to on his behalf.

Away then with all pretence, that in the Cases here adduced, a principle of the Constitution so integral and primary is involved, as imperatively to demand the privity thereto, and the solemn acquiescence therein, of the three Estates of the Realm!

Matters of a Scientific character.

A second class of Matters which, in our view, do most plainly indicate themselves as proper to be withdrawn from out of the jurisdiction of Parliament, are ALL MATTERS EXPRESSLY OF A SCIENTIFIC CHARACTER.

The propriety of the change we are contending for, we shall not pretend, in the case of Scientific Matters, to rest solely on the Easement which it is necessary to effect for Parliament; although the relief which their withdrawal would operate, would be great indeed. —Separately from the clogged state of Parliament, as a general position, it is our fate to think, that a variety of Questions are now from time to time, brought under Consideration, and often with much pertinacity debated there, which are only fit to be entertained by a purely profes-

sional Tribunal;—which are only fit to be entertained, we mean, by Engineers; by Medical or Surgical Professors; by Architects; or by other individuals eminent for their practical knowledge in the particular Art or Science that happens to be concerned.

At once to enter upon our Evidence here:—During the last few years we have seen Parliament plunging into all the mysteries of the doctrine of Contagion:—immediately prior to this, it had been busying itself about, and pronouncing upon, the most proper mode of treating Ophthalmia:—and before that, or at about the same period, the Country was edified with accounts of honourable Members formally taking boat, and, with all gravity, proceeding down the river Thames, to explore the sub-soil, and determine upon other recondite particulars touching the proposed site of the new London Bridge!

Now, we confidently ask, whether any thing can equal the preposterousness of submitting Subjects like these to the consideration, or of suffering them to abide by the award, of a Legislative Assembly?—unless, indeed, the community where this occurs, openly acknowledges itself to be but in a half-organized—that is to say, in a semi-barbarous state.*

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* The simile may, perhaps, be objected to by some, but England, as reflected in the proceedings of its Legislature, distinctly reminds

But further, Parliament is the great Canal, Dock, Pier, Harbour, Road, and Rail-way Maker—the Drainer and Embanker, too, of the United Kingdom. It is to the two Houses, that every single undertaking, falling under either of these heads, is required to be brought :—here it is that the practicability and expediency of what is proposed, are professedly demonstrated :—here it is that Plans are presented—Arguments, *pro* and *con*, canvassed—and from this tribunal it is, that the decree, ultimately approving or disapproving, every such project, issues.—Over most cases involving questions in the fine Arts, (that of the Elgin Marbles is a memorable instance) Parliament claims to possess Sway ; and in an especial degree is it—Conservator of all our Public Buildings.

There doubtless may be something flattering to the pride of Parliament in having, in addition to the multiplicity of its other duties, Cares of the kind we are now specifying, imposed upon it. To enjoy the reputation, which they thus *primâ facie* at least do, of being conversant with the whole circle of the Arts and Sciences—of

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us of that order of beings which are born into the world with but one bowel :—by the instrumentality of which, so low is their place in the scale of animated nature, all the offices of life have to be sustained.

being living Encyclopœdias of Knowledge—must unquestionably be soothing to the self-love of Members. The sounding language also, in which, among other exaggerations, Parliament is not unfrequently described as of power Omnipotent—may, perchance, have engendered the impression in some Members' minds that with the attribute of Omnipotence there has devolved upon them—what it is but fair should accompany it—that likewise of Omniscience. —The difficulties in the way of what we are now more particularly proposing, may hence be unluckily augmented; but we shall not on that account argue the less strenuously in its behalf.

An objection of a most formidable kind, to the entertainment by Parliament of Questions of a distinctly Professional or Scientific nature, presents itself, as it appears to us, at the very outset—in the Party character of most of the Members of this Tribunal. We are well aware that by dint of high principle, and resolute self-government, the effect upon the mind of the habitually hostile disposition and array that exist there, may be overcome; but between what it is just within the reach of human ability to compass, and what is most ordinarily done, the difference, we all know, to be most wide. In the state of things we speak of, when a pro-

position is made, there is, at least the greatest danger, that the success or defeat of an individual, of a coterie of individuals, or of that side of the House from which the proposition emanates, may weigh with Members, more than the merits of what has been submitted to the House.

In the few instances in which we can suppose it to be a point of honour—to say as little as possible of Conscience, scrupulously to investigate, and faithfully to pronounce, according to these Merits, how difficult will it often be, to guard against an undetected bias or inclination of the mind, caused solely by the Quarter whence what is submitted happens to come! And the baleful—the, it may be, withering effects of political prejudice, of party-feeling, where it is purely a matter of the useful Arts, or a question of Science, that is concerned—all thinking people must admit to be a most special grievance.

That we are not conjuring up here a mere phantom of the imagination; that the public in reality have not that guarantee which they ought to have, and which they might have, of a calm consideration—a temperately conducted and dispassionately arrived at award—in the cases we refer to, can be no secret to those who are watchful observers of Parliament.

When it was proposed in the House of Commons not long since, to make some remuneration to Mr. M'Adam, for his activity and zeal, in endeavouring to introduce throughout the Country, a more scientific mode of Road-making—than which no topic, one would have thought, was less likely to engender irascible feelings,—it was openly stated (we think by Mr. Fyshe Palmer), that Disputes ran so high in the Committee to which the subject had been referred, as to render it all but a forlorn hope that any result whatever would attend the appointment of the Committee.

Who, too, can have forgotten the bitterness and acrimony that marked the debates—kept up, if we mistake not, through several Sessions,* upon what we call the Ophthalmic question; and where the points that were most ravenously disputed, resolved themselves into the simple, and, as might have been imagined, very unexciting one, of—whether Sir William Adams was, or was not, the pink of Oculists?

Who, again, but must remember the circumstance, which was in every body's mouth at the time, of one of the countless Committees of the House of Commons upon the London Bridge now erecting, in which two of the po-

* The Session of 1821, particularly, was thus distinguished.

tent, but certainly not very grave Signors, who were sitting in judgment upon the matter, became worked up to such a pitch of rage, that they fairly dashed the ink-stands of the Committee-table at each other's heads!

Passing on, however, from the party character, and the consequently contentious habits of Parliament; assuming also, for the present, that the attainments of Members are such as fully to qualify them for the office of Arbiter in the cases we are considering—still we object—and the objection we conceive to be a most solid one, that, while our Legislators are thus disporting themselves in the fields of physical Science, their own proper province, that which it must be pre-eminently their duty to cultivate, in every possible way to acquaint themselves with, and to master—namely, political Science, remains a barren Waste;—scarcely any thing else indeed than a *terra incognita*.—Though we were to regard Law-making in its humblest light—that is, as a mere Art only, it is evident, from the contents of the preceding Section of our Work, that our Law-makers are any thing but adepts in their Art. But when we look upon Legislation in a more exalted point of view;—when we contemplate it as the means of rightly governing a State; as implying the study and adoption of all that the order of the Community,

that its security, its well-being, and enjoyment, respectively call for—then into what littleness, into what a very point, do not the pretensions of our Legislators dwindle!

Not to deal in insinuations only,—What, we ask, for a long time past, and while the Diversions we speak of (for we shall persist in treating them as nothing else) of Parliament, have been proceeding—what has not been the baneful, the almost hideous influence all through the Country, of various of our Laws, or Government Regulations? What has not been the perversion that has been hourly going on, or, which is as bad, the frittering away, of some of the noblest principles of our Constitution? What has not been the corruption, or in any case, the abuse, of many of our most valued Institutions? During the same period too, what have not been the distresses, the "awful" distresses,* of nearly all the leading Interests in the Country?—distresses now confessedly, in some measure, mitigated;—but how, we beg to enquire, have they become thus mitigated? by the expedients or resources of legislative Sagacity, of political Wisdom? No; by the ravages of the Suffering

* The epithet *awful* was thus used by Lord Goderich at a public Meeting, held May 6th, 1826, at which time he was Chancellor of the Exchequer.

which at first only threatened—that is, by the stilling effect which Devastation itself has wrought!* — And what too, all this while, has not been—what indeed is not at the moment at which we write—the wide spread of Demoralization; the growing debasement of the Poor; and the appalling increase of Crime amongst us!

Subjects of this stamp, it must be felt on all hands, are far more germane to the proper business of Legislators, then affairs of Roads, of Bridges, of Docks, and Canals; than questions relating to ancient Sculpture, hypotheses about Ophthalmy, Contagion, and the like. Their import, it cannot but be seen, is of the very highest order. They manifestly involve, the very holding together with us, of the frame of Society. And yet it is undeniable, that whenever these topics, or others of a similarly momentous cast, are brought under the notice of Parliament, little else is elicited there in reply, nor does any more practical result ensue, than protestations of "the intricacy of the matter," of "the complex relations of the

* To shew what valid ground there is for what we are alleging, we refer to the speech of the present Premier, in the House of Lords, July 3d, 1828, wherein he acknowledged, that, in the single year of 1825, one fifth of the Country Bankers of England came to the ground. We, it is to be remembered, besides that the observation in our text respects a period of eight or ten years past, are speaking not of one Interest only, but of all.

question," of " the artificial circumstances in which the whole Country is subsisting"—and so forth: pleas all, which, if they be founded in truth, do but bespeak the greater magnitude and imminence of the Evil that is to be overcome; and ought, therefore, to serve as provocatives to redoubled exertion, instead of constituting, as they now do, pretexts for submissiveness and inactivity.

But, though we were altogether to waive the two grounds of objection we have thus far urged, to the arbitration of Parliament, where the physical Sciences, or the fine Arts were concerned—the general view we are taking, might, we conceive, be successfully advocated on this score;—that facts every now and then flash upon us, or gradually transpire, which go in the most direct way to impeach the Competency of honourable Members, to discharge duties of the description in question. This point of Competency, has reference, of course, to the knowledge or attainments of Members; and it is a point which, the reader will recollect, we, in a previous page, for the moment passed by, or took as a thing for granted.

We can ourselves interpret—only in the light of a positive, though perhaps inadvertent, admission, of the unfitness or inadequacy we allude to—the conduct of the highly respectable Mem-

ber for Midhurst, Mr. John Smith, who, when the House of Commons was floundering about, in the case of the Contagion question, fairly supplicated that a Commission might issue, composed chiefly of professional Gentlemen, who should institute a faithful enquiry into the different positions and circumstances pleaded, and who might, by the weight of their authority, either confirm the theory respecting Contagion, to which our Government inclined, or disprove it.*

The skill or competency evinced by Parliament in its almost innumerable Enactments regarding Carriage Wheels, is thus pithily, and for our purpose, pertinently, summed up, in the report of the Committee of the House of Commons of 1821 on Turnpike Roads: "The Legislature began," says the Report, "by holding out a premium for Wheels, which it was impossible to bring into beneficial use; and it ended, by giving the premium to Wheels of such a construction, as it was not desirable to have used at all."

The whole Country knows how incessantly the question has recurred in Parliament, and what a perfectly abortive expenditure of dis-

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* See the speech of Mr. John Smith on the proposed alteration of the Quarantine Laws, House of Commons, May 13th, 1825.

cussion and of legislation there has been there, as to the most effectual and proper mode of supplying the Metropolis with Water; and this waste of reasoning and of legislating, has taken place, and continues to occur, although a Committee of Members of the House of Commons, expressly appointed to investigate the entire matter, in the Session of 1821, found themselves driven to the acknowledgment, that they were utterly unable to give a clear and decided opinion on the subject.

While we are touching upon one exclusively Metropolitan matter—requiring high scientific attainments duly to settle it, we will glance at another. We will ask, at least, if our Legislators feel themselves at all in a condition to vaunt with regard to the new London Bridge; which, from its first projection, has been so especially a thing of their own dandling, and in arranging the different details concerning which, these eminent judges proceeded, as has already been seen, with such singular self-possession and calmness? Although this structure is as yet barely peeping above the Water, the *fourth* Act of Parliament relating to it, is at this moment in progress,—and yet the point remains altogether to be ascertained—in what way, when the Bridge is completed, access to it can possibly be obtained: unless it be by a sacrifice of property

literally tremendous, and even then in the teeth of the very interests which first and foremost in the Undertaking, it was proposed should be served by it.

In this particular connexion we may state,* that we apprehend the reputation of our Legislature in nothing rests upon a more frail basis, than in Bridge matters generally; always excepting, however, the case of Canals. In both these ways, the monuments of its failure, in truth, are lamentably numerous; and till it shall be proved--which we challenge any one to do—that good on the whole, ensues from these, in so many instances unrequired, improvident, and bankrupt Concerns, we shall, for our own parts, not cease to charge upon Parliament, an aggregate of folly committed, and of wrong done, too weighty, if we mistake not, to be easily shifted off its shoulders.

In the Debates that have taken place in the House of Commons, relative to the Exportation of Machinery, it has been most clearly evinced, that an acquaintance with Mechanics, or a degree of knowledge, or genius, with regard to that branch of physical Science, far superior to what any Members of the House could lay claim to, was indispensable to the right settlement of the question.*

* We refer the reader particularly to the debate of June 14, 1825.

As furnishing us with another instance of the description of parliamentary Incompetency, which is under consideration, we shall take leave to extract a passage from a publication which we always delight to appeal to, on account of its notoriously strong bias in favour of "things as they are," and of the flagrant wrong therefore (as we have in another place observed) which must exist, when its Writers are induced to breathe a syllable of discontent. We allude, as will probably be supposed, to the Quarterly Review; in the Number of which, published March, 1828, we thus read:—"The present absurd and unequal Enactments of our Statute Book, regarding the Salmon Fisheries, have been ordained in various periods, and generally *in the absence of a scientific acquaintance with the subject.* For the due entertainment of this question, there is requisite a knowledge of the Science of Zoology; instruction in which, forms no part of our established systems of Education: and yet, this notwithstanding, the Committee of the House of Commons, which has now been occupied in a protracted investigation of *nearly four years* into these Fisheries, has called before it one single Naturalist only, for the benefit of his opinion."*

* We do not forget the terms of regret—of reprobation, indeed, in which we have elsewhere expressed ourselves, as to the numbers

One instance more is all we shall at present adduce: but it may be proper to apprize the reader, that we shall not pass it over quite so cursorily, as we have those that have preceded. —This concluding instance is, the case of our public Buildings—of which, as we have in a former page intimated, Parliament assumes to itself the office of Supreme Conservator.

The duties of this Office have unquestionably never been very onerous till of late years. It was observed by Lord Goderich, when Chancellor of the Exchequer, that the anxiety which was manifested by Parliament respecting

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of Reports of Parliamentary Committees, which, by being systematically laid aside and forgotten, soon after they have been presented, appear framed only to trifle with the expectations of all concerned. We, however, are by no means ambitious of being ranked among the thick-and-thin admirers of the System, according to which parliamentary Committees are nominated, and proceed in prosecuting their respective tasks. It needs no great subtlety to perceive that there is downright finesse or chicanery in the appointment of some of these Committees. In the case of others, the evident picking, or culling, there is, of Witnesses, is remarkable. Again, the leading questions that are put to Witnesses, and the singular harmony that prevails among these individuals—singular, notwithstanding, what we have just alleged—further concur in attaching to too many of these parliamentary Inquisitions, a character of something worse than ridiculousness.

We remember Mr. Brougham's having, on a particular occasion, talked of the *hocus-pocus* of the Court of Chancery. We apprehend we are here verging upon part of the hocus pocus of Parliament.

our public buildings, and generally, for the decoration or improvement of the Metropolis, was entirely of modern growth: a remark which it answers our purpose to cite here the more, as it is at once a distinct recognition of that active agency of Parliament, in the case of our public buildings, which we are ascribing to it. Although, however, nothing more could be established, than a decided privity of the Legislature to what takes place in these matters, the paramount rank of Parliament in the State, would draw upon it the main responsibility with regard to them. Even its bare tolerance of a system, against which valid objections lie, is, as the reader is aware, a ground (and how justly so, if the "Omnipotence" we have spoken of, really belongs to Parliament)—even this negative feature in the conduct of the Legislature, is a ground, at any time, for the gravest accusations against it. But, with the arrangements according to which our public buildings appear and disappear, and the Metropolis is, as it is called "decorated," Parliament is much more intimately mixed up, than mere privity to those arrangements, or simple sufferance of them, goes. The Legislature, indeed, barely escapes the charge of literally itself dabbling in bricks and mortar. How nearly did the Committee of the House of Commons, mentioned by us in

page 5 of the present Work, approach to this, when they deliberately indulged in the following, among other, details! "The proper site for the new Buildings will be the Court bounded by the Thames, the Long Gallery, &c. and the House of Commons. The works should be executed in the most solid and durable manner; in all respects the buildings should be rendered suitable to the purposes for which they are intended. The new apartments must be made, as far as is practicable, fire-proof, and the staircases should be of stone." —Again, upon Sir Joseph Yorke's complaining (House of Commons, March 21, 1828), of the granite columns introduced into the new library at the British Museum, Mr. Bankes replied, that he had protested against them, but that the details of the management of the building going on there, the House of Commons, in its wisdom, had been pleased to take out of the hands of the Trustees.—A motion made and carried in the House of Commons, March 23, 1824, was precisely to this effect—to appoint a Committee of the House, to consider of the propriety of stopping the further progress of the new Law Courts adjoining Westminster Hall; — which Courts, as the reader may remember, were then very near their completion. It was of these Courts, too, that Sir James Scarlett, in a subse-

quent Session, said, He regretted the suggestion had not been acted upon, of appointing a Committee of the House, to manage the alterations directed to be made in them.—The language in which the honourable mover of a Committee appointed in the very last Session, that of 1828, expressed himself as to the purposes of that Committee, is also in point here: "The attention of the Committee would be directed to the propriety and necessity of beginning additional works. It would be for the Committee to consider how far certain works had been proper and necessary, and how far it would be right to put a stop to any of the plans now in progress. It was his wish and object, that public buildings should be erected in a manner that would do credit to the country."*

But besides all this, it is to Parliament, as we need scarcely say, that by far the greater part of the propositions respecting metropolitan Improvements, are submitted, before they are undertaken. Upon these occasions, elaborate disquisitions or criticisms are indulged in, dogmas propounded, and judgments passed, touching the whole subject. As it respects the particular Improvement or Alteration which happens to be

* Speech of Mr. Bankes, House of Commons, March 24th, 1828.

on the tapis, the terms made use of to Members are invariably these: "Should the House be pleased to sanction what was projected;"—"Should the Legislature think proper, to approve of what was contemplated;"—"In the event of Parliament acceding to what had been described;" &c. &c. These appeals to its taste and deliberative faculties over, Parliament calls—authoritatively calls, for plans or estimates of the work intended; and the demands of Members on this score, being more or less complied with, Grants, in the end, are almost invariably made, or separate Bills are passed, serving, as far as the two Houses are concerned, for the *soit fait comme il est desiré.*

We are certain we have here advanced enough to prove, that in representing Parliament as the supreme conservator of our public Buildings—as the main supervisor of Metropolitan Improvements—we rather under than over state the fact. —And of the notable system with which our Legislature, as we thus see, is more than identified, what are the fruits? Without any very violent hyperbole, we may answer, Ashes in the mouth of the nation! In plain English—disappointment to us as a people, mortification, and disgrace. —That, in no case, what is done, proves acceptable or creditable to the public, is more than we

mean to assert. But we are fully warranted in affirming, that by the great majority of what is done, the reputation of the Country is worse than tarnished—that our funds are squandered—our feelings outraged—and that the object mainly professed to be accomplished, is at best only half realized.

As it is very repugnant to our wishes to indulge in mere assertions, or general unsupported allegations, Will any one vindicate to us, we ask, the "Decorations" of Old Palace Yard—that is to say, the strange, unmeaning "tawdry" front of the House of Lords, with its pigmy arcade, and toy of a porch, or arch-way, projecting out from one of its angles—and under which porch, or arch-way, whenever an august Personage, by exquisite coachmanship, may chance to have been steered, he must infallibly have had (we crave pardon for saying it), such "a Jack in the Box" like appearance, and so far must have been exhibited under such a ludicrous aspect, as true Monarchy, we should think, scarcely ever condescended to put on before!

Who, again, can except from the reprobation we are expressing, the New Law Courts, sticking, as has been said of them, to Westminster Hall, like a barnacle to a ship's bottom; but, which is of far more importance, the whole history of the erection of which (not to speak at this moment

of their present state), has been a perfect mockery of the people!

Who, too, will be the apologist of the new Building at Whitehall, which from small beginnings has crept on to be an edifice of magnitude —which has proceeded, indeed, step by step, and quite contrary to the original design, to be a conglomeration of buildings, instead of a single office of very minor pretensions; and which now presents itself to the eye of the beholder,—little else than a conglomeration of blunders! This character of the building, given by us, as it is, in 1829, does not of course comprise one most distinguished feature that ornamented this structure in 1825, but was soon afterwards withdrawn:—we allude to the expensive and ridiculous appendage at the top of it, which a Member of the House of Commons, with considerable feasibleness, compared to the stand on Doncaster race ground; and which came, as Mr. Soane himself has declared, nobody knows how, and went, nobody knows when or where.

We think it will yet be no mean call on the ingenuity of some one, to defend the range of Buildings now erecting on the north side of St. James's Park. The pretext that we sometimes hear advanced in Parliament for Improvements in the Metropolis, is, a regard to the salubrity of the Town, and the propriety of leaving a

greater number of open, airy, or vacant places, as particularly conducive to this most desirable object. Now, in St. James's Park, the people of London have always had a spot answering distinctly to this description; and more easily within reach than any other. While, however, the "Decorators" of the Metropolis have set about heightening the attractions of this spot on one hand, on the other—in utter despite of the pretext we have just mentioned, and with true Penelopean assiduity, as it respects the actual improvements effected—they are covering all of the Park, or of its immediate vicinity, which they can possibly lay hands on, with houses; with houses, too, of a most un-park-like appearance—towering like cliffs above the surrounding objects—completely therefore, precluding a free circulation of air around;—and, by the smoke, and other impurities they must bring with them, going of necessity to annihilate the little that was before found, of freshness in the atmosphere of the Park, and of health in the vegetation.

The transition is easy from the Park, to the far-famed New Palace;—and who will, who can, set up the shadow of a justification of what has been done in this case?—Not to detain the reader with comments on the present appearance of this structure—for in all probability further transformations are still in store for it—

particularly for that portion of it which fronts Piccadilly, the immense range of which front—so little broken as it is, by any ornament, or deviation of line, must be deemed, we think, by every one, superlatively ugly:—not to detain the reader, as we have just said, with comments upon what may be but of the most ephemeral duration, we will observe generally, that the proceedings with regard to this edifice, have, as in the instance of the Westminster Law Courts, been, from first to last, a continued mockery of —an insult indeed to, the nation.*

Once more, is there a man living, who will affirm that the public are not disappointed—bitterly disappointed, that in lieu of the two

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* We may be guilty of indecorum in expressing ourselves as we do, but what we witness relatively to our public buildings, is enough to make the stones speak. Every reader knows the history of the original Wings of the New Palace, with the "three windowed houses" at their extremity. "The consequence of the alterations of these Wings," says the Report of the Committee of the House of Commons, of last Session, on Public Buildings, "will be the addition of *twenty-seven* new apartments to the present numbers, at an estimated cost of fifty thousand pounds." So here we have seven-and twenty apartments suddenly engrafted on the New Palace—not because they form any part of the first design; not because one whit more of accommodation is called for, than was at the outset contemplated; nor because any, the smallest use can be made of the rooms when they are finished—but solely because an unexpected external deformity of appearance in the building, needed correction!

Minor Arches now placed opposite each other at Hyde Park Corner, one grand Arch has not been erected in the centre? We are quite confident, that, excepting the actual planners of this particular Improvement, or "Decoration," two opinions do not exist in the Country, as to the propriety, or rather impropriety, of what now presents itself here. To erect ornamental Arches which have to be approached sideways, must in itself be a solecism. It certainly may be said, that those at Hyde Park Corner, are entrances to private domains. This, however, would be at once to do away with the ideas which in the minds of so many are associated with these Edifices, as being national or commemorative ones: added to which, there is a pretence about these Structures, and an expence has been lavished upon them, which would render them doubly impeachable upon any other hypothesis, than that public Ornament, if not a National object, was mainly in view in designing them. And this being the construction which we have no alternative but to put upon them, they must, on the ground we have just stated, be pronounced—a gross failure.

A triumphal Arch being intended as a memorial of some specific epoch, event, or train of events, it ought evidently to be not only strictly detached, or insulated, but, as far as possible, in-

capable of being confounded in the eye with any other object; that is, incapable of losing its individuality. Hence, in a peculiar degree, arose the expediency of erecting an Arch—meant to be at all commemorative—which we doubt not is the fact of one, if not of both those we have—across, instead of parallel, to the road at Hyde Park Corner; various other buildings ranging in this latter line. But, besides what appears to have been altogether overlooked, express pains had to be taken to spoil this fine site for what alone befitted it, in rendering it tolerably suitable for anything else. We allude here to the costly operation that was effected, of lowering the whole of the adjoining part of Piccadilly; the very height or elevation of this imposing entrance into London, constituting one of the singular advantages which the spot before possessed. And to the cost of that operation—arising solely out of what was so perversely (as we shall ever contend) decided upon, there has to be added the outlay, let it be remembered, which yet remains to be incurred, of removing—for removed it must be—and refixing, the Achilles Statue.

Having clearly traced the paternity of all these Measures, or demonstrated who are every way the Sponsors for them; and the present

juncture as it respects such Measures being a most prolific one — we hope it will not be deemed altogether impertinent in us, if, for a short space, we delay resuming our general Argument, that we may still more closely, in this connexion, hold the Mirror up to Parliament, of its defects or misdeeds. Some good may thence result, though we should contribute thereby but to vindicate that grievous dissatisfaction which in various, but disjointed, and therefore ineffectual modes, the public are continually expressing on this subject.

Manifestly then, due thought or consideration is not bestowed upon the site of proposed public Buildings.

Due care is not evinced, in erecting new Buildings, that they should harmonize—we mean architecturally harmonize, with such other structures as are contiguous.

Not even tolerable attention is paid to the line which the New Buildings, or the Improvement, as the case may be, will describe, either in itself, or relatively to the lines of other objects in the neighbourhood.

And, further, Improvements are not undertaken in the order of their Urgency.

It was a want of proper attention to the site

of the New Law Courts, that was the original, and is still the grand ground of impeachment of these Courts. The spot allotted for them to stand upon, did not offer half space enough for the purpose. The actual Courts are certainly contained within the prescribed limits — but *in* the Courts there is nothing like adequate accommodation for either the Counsel, the Juries, the Attornies, the Witnesses, or the Public. As to the accommodations out of them—besides that the passages, from the necessary economy of room, will, some of them, allow of the passing but of one person at a time, requiring of course for this, on many occasions, the utmost labour and buffeting—besides this, those Adjuncts which are as indispensable to a Court of Justice as limbs are to animal bodies—such as Waiting-rooms, places in which Witnesses could attend—where Counsel could confer with Solicitors—Solicitors with their clients, and with each other, &c. &c. these, and other most important conveniences, are totally wanting.

The razing to its foundations the entire of the northern front of these Courts, immediately after the front had been completed—a measure called for, and carried into effect in the Summer of 1824, was a consequence, and is a flagrant illustration, of that heedlessness about a proper

architectural harmony between buildings placed in juxta-position, which is alleged in the second of our remarks.

The same want of harmony or accordance with the surrounding buildings, as far, at least, as that most important item—Elevation or Altitude goes, characterizes the New Council and Board of Trade Offices, at Whitehall. But it is the line which these offices describe, relatively to Whitehall, and Downing-street, that constitutes the greatest imputation upon them. How the building could have been suffered to proceed on, in the utter defiance it has done, of the lines of these two streets, is truly marvellous. Scarcely possible, indeed, would it be to credit what has been done, but that we are all eye-witnesses of it. The result is, that a perfect dilemma exists, as to what step or course is most practicable and expedient, decently to correct appearances here. No mode has hitherto been so much as hinted at for the purpose, but the carrying a corresponding building, up King-street. A plan, of which we beg to say, that if persisted in, and "an alignment," the same as that of the present moiety of the building, be observed—that will then hold true of King-street, which is now the special fault to be corrected in Downing-street: we mean, that the new building will advance out, and in an oblique

line intersect King-street. Or, if to avoid this most uncouth effect and great inconvenience, the same alignment be not observed, and the remaining moiety be returned upon an angle,—then, besides other and graver objections, we shall have an entrance into Downing-street, answering to the form of a wedge:—which will, we incline to think, be too unique, something too *outré*, to suit the taste of even our arbiters *elegantiarum*.

The site of the new palace at Buckingham-gate, is felt by all to be deplorable. That it should have been determined, in such a spot, to erect a building, the cost of which will be, at least, half a million of money, is what we could, for our own parts, almost weep at. Besides the lowness, and consequent utter unimposingness of the site—from whatever quarter it be approached or regarded, there is in the immediate vicinity, one of the greatest nuisances a Metropolis can well contain—an immense public Brewery.*

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* The "desperate dirtiness" of the old Buckingham House, complained of by Lord Goderich, and pleaded by him as a reason for renovating the building, it is highly probable was owing in a great degree to the having such a vile and near neighbour as the Establishment we speak of. Years before the re-building of Buckingham House was thought of, we remember ourselves contemplating with

But, that these circumstances were not sufficient to deter Parliament from rebuilding Buckingham House, we hold to be almost venial, compared with the position, or rather, with the no-position, in which any Edifice must of necessity stand there, relatively to all the surrounding objects. There are, for instance, the Horse Guards, the range of Buildings forming the southern boundary of the park, the Canal, the Malls, the cliff-like Houses we have already spoken of on the northern side; again, there is the row of Mansions extending up on the eastern side of the Green Park, also Piccadilly, and the road called Constitution Hill;—and yet, with the exception of a solitary Mall on the northern side of the park, not a particle of appositeness or relevancy is there, nor could there be, in the New Palace, to a single one of these very numerous objects.

It is a further and worse feature in the case, that the objects there, were not merely in no general or tolerably harmonious position—the

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surprise, the existence, in such near proximity to each other, of a Royal Palace and a large public Brewery—the latter building at the time emitting torrents of the thickest smoke, and rendering Buckingham House, in mid-day, and at a distance of not more than five hundred yards, scarcely visible for the foul veil with which this smoke was enveloping it.

one as it regarded the other;—but that they were all distinctly askew, relatively to each other:—and the re-construction of the Palace in the line, as well as at the precise spot in which it now appears, has not only lighted up afresh, but has distinctly aggravated the waywardness and obliquity, to which, before, the whole region seemed consecrated.*

—But a word or two, as to our Improvements not taking place, or being resolved upon, in the order of their urgency.

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* Some of the reasons that were advanced for not building a new palace on a different site, ought to have been positively hooted out of Parliament. One of them was, that a royal residence must have a private Garden, and that it would take twenty years before any plantation could grow up sufficiently high to make a garden private! Now this reasoning might be very valid reasoning for not pulling down or dismantling at one and the same moment, pretty well all the royal residences we had got; or for not pulling the whole down before a young shrubbery would have began to grow up;—but when the question respected the erection of a new palace of suitable pretensions, and at a cost of £500,000.—to propose to baulk the nation, as well as our future sovereigns, of an appropriate site for it, because the requisite shrubberies would be some time arriving at maturity, was certainly what ought not to have been endured for an instant. The truth is, that the little in the way of gardens to his metropolitan residences, which his present Majesty has ever enjoyed—the predilection manifested by him, almost from the time he ascended the throne, for a Country life—and the chances there are, that after his reign we shall have a minority,—united in indicating the present to be, of all others, the epoch, for relinquishing the site of Buckingham House, so long as a better one was to be had, upon the shrubbery fancier's very own shewing.

The safe preservation of public Documents that are of great moment, will be seen to be a matter of far more pressing duty, than any one of the Undertakings we have been particularizing. The Records of our Courts of Law, Blackstone describes as Documents "of high and super-eminent authority;" and yet all London knows that these Documents—of such high and super-eminent authority, have for years past been—next to houseless;—that ever since the removal of the old Courts—a period now of five or six years, the Records have had no better accommodation than the rude wooden shed which encumbers Westminster Hall: and in which, as was observed by Sir James Scarlett, during the last Session of Parliament, it being necessary to consult them by the light of candles, they are in hourly danger of being destroyed by fire.

Almost at the commencement of the career of our Metropolitan Improvements, a statement was made on high authority, averring the constant risk of fire, to which the valuable Contents or Archives of the Herald's College, were exposed, owing both to the situation and construction of that edifice.

Inconvenience far exceeding any which Majesty has suffered at St. James's, or Buckingham House—which the functionaries of the Law had

formerly to complain of at Westminster Hall—which the Lords of the Council could ever pretend to have been subjected to, in their previous Offices—Inconvenience, indeed, in its very climax, has for a series of years been sustained by the House of Commons, in nearly the whole of its interior movements or operations. We have depicted in the early part of this Work the difficulties—the exasperating difficulties, to which the House is exposed by the dearth of Committee-rooms; and it is reduced to nearly equal straits, as it regards accommodations for its Library, Journals, Reports, and other innumerable Papers, incidental to its multifarious vocations. At present, as many of these Books, Papers, &c. as there is room for, are stowed away in nothing better than Closets, Chambers, Presses, and Passages, about the House; and those of them that room—even of this miserable nature—is not to be found for, are deposited at private Houses in the neighbourhood, or are kept in store at the Printer's—subject of course to double risks from fire, depredations, and other untoward incidents.*

Though Commissions of a public and most

* See the Second Report of the Committee of the House of Commons of 1825, on the printed Papers, &c. of the House.

important nature are so often appointed at the instance either of Parliament or the Government, no domicile for them, or convenience of any kind exists:—a fact which was particularly spoken of and lamented by Mr. Secretary Peel, during the last Session.

The loudest, and there is reason to believe, the most justly founded complaints, have been made of what are called—the Judge's Chambers; which are, to all intents and purposes, so many Courts of Justice, and which, from the descriptions of them that have been given to Parliament, seem to be scarcely superior, in point of space or accommodation, to dog-kennels.

But, of all Metropolitan Improvements, we, with our old friend, the Quarterly Review, incline to think Street Improvements are, in a place so crowded as London is, the most pressing or imperative. "In the Improvement of London," says that Journal (June 1826), "two distinct objects are to be kept in view. The first, *much outweighing the other in importance*, is, to provide the most complete and uninterrupted communication throughout this extensive metropolis. The second is, the increase of its architectural splendour." Without going further here into the question of precedency, between the two classes of Improvements, we will cite the principle, as admitted by Mr. Arbuthnot

himself,* [House of Commons, March 21, 1826] which, when once Street Improvements are decided upon, ought, with regard to them, to be the governing principle. And we shall cite the rule or axiom, for the purpose of affirming most unqualifiedly, that, in the case of what is undertaken in London, in this way, by Parliament, or by our Parliamentary Commissioners, that rule is not the governing one. "In determining," said the right honourable gentleman, "upon Improvements of our Streets or Thoroughfares, the object of paramount consideration was, the public convenience."—Why, the very occasion on which this dictum was delivered, was a flagrant instance to the contrary of it. The occasion was that of the right hon. gentleman's submitting to Parliament, the Strand and Charing-cross Improvement Bill; and will any one contend for a moment, that there was anything approaching to a proportion in the degrees in which the Strand needed improvement between Bedford-street and Charing-cross—where Mr. Arbuthnot proposed his alterations—and at that monstrously incommodious part, Exeter 'Change and the vicinity, where the right hon. gentleman proposed no alteration! Dissatisfaction had scarcely ever been known to be expressed at the

* Then chief Commissioner of the Woods and Forests.

state of the Strand at the former spot; whilst from the constant obstructions experienced, together with the hourly jeopardy in which limbs and lives were placed at the latter, the town has not unfrequently rung with Complaints.—The benefit of that improvement of the Strand, which has so long been felt as one of the first wants of the Metropolis, we rejoice to see, as well as to say, the public will have; but no thanks will be due for the boon, to that "paramount consideration of the public convenience" which is laid claim to, by "those who have the direction over matters of this nature." The praise in the case all belongs to Sir M. W. Ridley. He it was, who, at the nick of time, happily for us, exclaimed "Public Convenience, and Exeter 'Change!"—Words which appeared to strike like a knell on the ears of the right hon. gentleman. Ah! seemed Mr. Arbuthnot to say to himself, Exeter 'Change! Exeter 'Change! it has not entered for an instant into our thoughts! it has not had the remotest place in our speculations! What, under the circumstances, shall be replied to the Member who has so maliciously mentioned it? "Exeter 'Change," at length observed Mr. Arbuthnot, "is private property; it belongs chiefly to two noblemen,—the Duke of Bedford and the Marquis of Exeter. Difficulties would in consequence arise in effect-

ing any alterations or improvements there." But no particular respect having been meant to be paid to private property, in the plan just before detailed to the House, it was evident that this excuse could not be reposed upon, for more than the moment. The dilemma, in fact, was complete: the question relative to Exeter Change—under such circumstances mooted—must, it was found, be entertained.—It is almost superfluous to add, that an application to the noble owners of that spot, and of the property contiguous, was all that was necessary;—that on their being communicated with upon the subject, they immediately expressed their concurrence in what was called for; and even avowed themselves, anxious for the attainment of so desirable an object.

The throng of foot passengers that are to be seen from morning to night, struggling, almost to the use of force, to make their way through the Crevices (for they hardly deserve to be called Courts), which lead from the eastern end of Piccadilly, towards Covent Garden and the City—is itself a demonstration that the rule advanced by Mr. Arbuthnot, is not that which is primarily studied by our Street Improvers.

The vehicles of all descriptions moving, or endeavouring to move, in a corresponding line,

through Lisle-street, are proportionately numerous; and a more cramped, perverse, and every way perilous route, than that they have to track out, all London, we may safely say, does not contain. The difficulty of *making* Great Newport-street from Lisle-street, or Lisle-street from Great Newport-street, owing to the peculiarity of the angle to be described, mixed with the concourse there constantly is there of carriages of every sort, must be encountered to be conceived of.—If it is with Parliament, that the supervision or supreme direction of these matters should still have to remain, we would fairly entreat its attention to the flagrantly inadequate provision that exists at this part of the town, for the Crowds that have to traverse it. Particularly would we ask to have weighed—the Much that has so long been bitterly wanted here, and the Nothing that has been done, against the pains and outlay that have been lavished on the *embellishment* of the neighbourhood of Charing Cross; the result too, there, as we will not be deterred from observing, on the only side on which the embellishment is completed, (that is, on the Cockspur-street side) being a mere *place de coins*—a scene where angularity and refraction of every degree, in the lines of the surrounding buildings, and angularity and refrac-

tion only, let us look which way we will, present themselves.*

The line of Communication between Oxford-street and High Holborn, has, for many years past, called most imperatively for improvement, on the score both of safety and convenience.

The mention of Holborn, though we are aware we get here within City bounds, reminds us that there are two of the avenues leading out of that great thoroughfare, which are so productive of obstruction and dangers, as to have called down on them—we might almost say—the imprecations, of even our Judges.—Chancery-lane, at particular parts of it, and Fetter-lane, are the streets we allude to.†

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* We are as capable as any one of appreciating the luxury that attends moving about in Regent-street, and we are admirers not only of its ample, but of its uniform width. Here, however, our admiration of the street ends. Its "architectural freaks" displease us, and the curve it describes, is certainly not that of the line of beauty, but rather, that of a crooked billet. This street had, we believe, its rise in two causes—a desire to compliment the Regent, and a wish to increase the value of certain of the Crown Lands. Relatively to other wants of the Metropolis, of this class, the need of the New Street, which has cost *one Million five hundred and thirty-three thousand pounds*, was unquestionably as nothing.

† See what was said by the Judges of the Court of King's Bench, November 11th, 1825, on a Motion relative to a recent trial against the Inhabitants of Devonshire, for not widening a Bridge; and also a Petition, signed by the Master of the Rolls, Justices Park, Burrough, Holroyd, Baron Garrow, and others,

Not to multiply these cases, which would be most easy, we may observe, in the language of the writer we have last quoted, that "as to the avenues of our great Metropolis, the inhabitants are most inadequately provided with accommodation;" and that "how the people should, as contentedly as they do, endure the inconvenience they have in this respect to sustain, is amazing."

It may be proper, on bringing to a conclusion at length, our notice of what we term, the Scientific portion of the Business of Parliament, to give the reader an idea of the extent to which this business engrosses the attention of Parliament. In each one of the instances we have mentioned of New Buildings, or Metropolitan Improvements undertaken, Grants of the public Money have been made by Parliament, (comprised in the general Appropriation Bills of the Session), or separate Bills have been passed, authorizing the measure.

Of Embankment and Draining Bills, there have passed through Parliament, between the Sessions of 1822 and 1828, both inclusive	16
Of Canal Bills	36
Of Harbour, Dock, Quay, and Pier Bills	41

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presented to the Court of Common Council, Guildhall, December 14th, 1826.

Of Rail-way Bills 41
Of Bills respecting Bridges . . . 48
Of Bills respecting Roads . . . 479

(these latter alone, it will thus be seen, averaging upwards of *sixty-eight* per Session!)

A few others might be added to the list, but they are such as not to admit of classification.*

Local Bills.

A final description of Matters which we would fain see Parliament rid of, are A MAJORITY OF THE BILLS BROUGHT BEFORE IT, WHICH ARE STRICTLY AND TRULY LOCAL BILLS.

We make the distinction we do here, as to Bills—strictly and truly Local, because in the Parliamentary use of that term, there is considerable vagueness, and often, in consequence, much inaccuracy. We are reduced, indeed, every now and then, to the same dilemma to divine what Parliament means by a Local, as opposed to a General Bill, that we not unfrequently are to know what it intends by a Private, in contradistinction to a Public Bill. The truth appears to be, that the Legislature itself expe-

* It occurs to us that we have elsewhere mentioned a Rail-way and a Road Bill or two, in connexion with, or rather, as falling under the head of "trumpery" Acts of Parliament. Perhaps we were led to that association for the moment, by something ridiculous in the names of those particular bills; or by something ridiculous or trumpery in the known history of those Bills.

riences no small difficulty in satisfactorily designating, the various measures it is called upon to pass:—a circumstance, which, though it were the only evidence we had, plainly indicates, we should say, that in the miscellaneousness of these measures, as Matters for Legislation, there is something decidedly wrong.

The official division of our Acts of Parliament is into

Public General Acts;

Local and Personal Acts declared Public, and to be judicially noticed;

Private Acts printed by the King's printer, and whereof the printed Copies may be given in evidence;

And, Private Acts not printed:

nomenclature all this, which we conceive to be in the highest degree objectionable; while such is the practice in assigning Acts their place, under this assortment, as to open a wide door to the confusion we have just spoken of.

Whatever other Bills the term "Local"—in the literal sense in which we interpret it, may comprise (and such other Bills, it may be observed, are not numerous), our remarks at present will exclusively respect those of these Bills which go to meet the mere physical—that is, the very homeliest wants of individual Towns, or of certain limited Portions or Districts of the

country.—On looking at the titles of our Acts of Parliament, passed from Session to Session, hardly anything, we think, is more calculated to arrest attention, than the perfect shiftlessness of the Cities, Towns, &c. of the United Kingdom. Impotence itself seems to be stamped upon them. Their inhabitants, however long, however closely and numerously congregated together, however reputed, too, for their wealth or intelligence, are, generally speaking, utterly unable to perform for themselves the commonest offices of social life. This statement, we shall, we think, at once substantiate, and in a way to render very little additional comment necessary, when we say, that even our largest Towns—that our most populous provincial Districts—cannot Pave, Purge, Drain, Light, Water, or Watch themselves;—cannot cause to be provided for their respective Inhabitants, so much as a Market-place, a Chapel, a Workhouse, or even a Burying Ground—without recourse had to the high Court of Parliament; without application being made for the obstetric aid of the "Collective Wisdom" of the Nation. The very calls of Nature, in a sense, our local Population, all through the Country, appear incapable of complying with, except the assiduous attentions—the co-operative

services—be afforded on the occasion, of the Supreme Legislative Council of the Empire.

Any thing more alien, than Cares of the kind here described, from the affairs of the Community at large—more remote from the interests of the Commonwealth—and, consequently, more wanting in that which ought to be the sole condition of legislative interference;—we ourselves are unable for a moment to specify. There is not even the pretext for carrying these Matters before a tribunal of rank or importance, that there is for submitting to such a tribunal, what we have termed Matters of mere Form. In those cases, all the agency of two parties is indispensable. What partakes of the character of a boon—a something which is not of the nature of a right—is in question; and there must be of necessity not only a solicitor, but a grantor of the boon. No progress that Society may make, can divest those cases of that peculiarity. But, upon the inhabitants of a Town, or detached District, agreeing among themselves, as to the expediency, at their own cost and charges, of paving, lighting, &c. their streets; of providing themselves with a Chapel, a Workhouse, and the like;—necessity for the privity to the act, of any other individual, or body of individuals, whatever, there can manifestly be none.

We mean, that natural or inherent necessity there can be none: for that one of another kind—a factitious or conventional necessity exists, the reader need not be reminded, is in a great degree, the burthen of our argument.—And, as to the power now conferred by Parliament in these instances, partaking, as in the others just mentioned, of the character of a boon—that this holds true, we deny *in toto*:—the Acts so sought to be done, standing, as far as we can perceive, in precisely the same relation to Social—that sleeping, walking, eating, and other such requisite functions do—to Animal life.—Again, it is of consequence in the case of the "Matters of Form," that what is done, should be permanently recorded. But it is of no manner of importance to have it registered in our archives, that in 1826, 7, or 8, the inhabitants of Louth, Liverpool, and Habergham Eaves, came before the Parliament of the United Kingdom, and obtained a better supply of Light;—the people of Birmingham, Dunbar, Chester, &c. doing the same thing as to Water. That, then, likewise, the Streets of Stalybridge, Alloa, York, and Norwich, were better paved,—while also Oldham got a Chancel to its Church, Glasgow a drive round its public Green, and Bognor a Market for Butcher's Meat, &c. &c. &c.

We have said that anything more alien to the proper business of Legislation, than Local Acts of this whole genus, we are totally unable to specify; and equally out of our power is it, and, equally, we are quite certain, out of the power is it of others, to particularize any description of the Bills that Parliament suffers itself to entertain (the peddling matters mentioned by us at page 27, not overlooked), which are more truly derogatory to the dignity of the Legislature. If we have at all accurately illustrated the character of these Local Bills, in those of our remarks that have immediately preceded, the ground there is for this additional observation, will be instantly felt and admitted. In being parties to them in any way, Degradation, in our Legislators, we acknowledge it seems to us, can "no further go:" —unless, indeed, Parliament should come in time to do the analogous offices for single individuals, which we now see it daily stooping to do for collective bodies of them.

It was exclaimed by one of our principal Journals not long since,* "When will our two Houses of Parliament cease to think that they can mend shoes better than Cobblers?"

This is some token that others regard certain

* The Morning Chronicle.

of the Operations of Parliament in very much the same light that we do ourselves.—But the exclamation that thus occurs to us, further calls to our mind, that the description of parliamentary business we are now insisting upon, is, as in the various cases of far higher import which we have had occasion to cite, most discreditably and imperfectly done.

Not only does the particular Act often prove to be badly drawn up—but some wrong is inflicted—some oversight committed—some case left unprovided for—which causes the Measure at once to work ill, and which speedily requires re-interference, and fresh Legislation.

We greatly deceive ourselves, or the Country will not, cannot, much longer desire, if it does so at present, to have its local Business left to parliamentary Management or Direction. The numbers of Members of Parliament, it is true, are considerable; the superior rank as well as talent, too, of many of them, is not to be disputed; and an impression may doubtless exist in the public mind, that these circumstances combine to render a resort to that tribunal, desirable and advantageous, in the case of even the most trivial local matter. But what becomes of these predilections, in favour of the agency of Parliament in such matters, by the side of a plain, unvarnished statement, like the following;

—the author of this statement, at the same time being a gentleman whose long experience and known intelligence peculiarly qualify him to speak to the point? "To reckon that the Members of one county, or particular district, would seriously interest themselves about the purely local Affairs of another, was perfectly idle. What, for instance, cared the Members from Cornwall about the private business of Yorkshire? Who of the Members, again, from either Yorkshire or Cornwall, would attend in earnest to the business of Staffordshire?—To expect that a change in this respect would ever ensue, was absurd:—a different state of things was impossible!"*

As strictly bearing out this very ingenuous avowal on the part of the honourable Member for Wareham, we subjoin to it one other representation which we take almost at random from among more, to a similar purport, that are laying before us; the truth being, that the conduct or history of one private parliamentary Committee, is in a great measure the conduct or history of them generally. What we are now about to quote, is from a petition presented to the House of Commons, June 2nd, 1825, by the promoters of a Bill for lighting

* Speech of Mr. Calcraft, House of Commons, April 19, 1826.

Westminster with Oil Gas. "During the proceedings," the petition observes, "in the Committee of your honourable House, to which the Bill was referred, for many days together, the number of Members that have attended the Committee has not exceeded *three*; on a variety of occasions, *the Chairman alone has been present*; and on three different days, all the expenses of Counsel, Agents, and Witnesses, were incurred, *without its being practicable by any means to form a Committee at all!!!*"*

We have throughout stated, that we use the word Local, in its most strict, or narrow, sense. Were we a little to enlarge the range, or meaning, of the term,—were we, in short, only to allow it to comprise much that the Legislature itself does, there would then most fairly come within our purview here, a system, in operation in Parliament, with regard to many Bills designated "Local," of which individual members have expressed themselves in language of such transcendent condemnation, that even we will not take it upon ourselves to repeat what

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* If it should be said that this Westminster Lighting Bill was *opposed*, we answer, that the case tells so much the better for our purpose; for if the motives are not potent enough to induce the Members of a Committee to give their attendance when several interests are implicated, how can they be so, when one only is concerned?

has escaped them. We may say, however, of the system we allude to, that it has led men, comparatively obscure, but well knowing the ground they were going upon, to declare, that furnished with the names of Members, and with money, they would undertake to carry, or to defeat, in Parliament, any private Bill whatever! We will also say, that in the course of the well-meant, the amiable endeavours of Mr. Littleton, to check this system; that valuable member of the House of Commons admitted, Nothing was further from his thoughts, than the hope of devising an effectual and decided remedy for all the evils connected with the present system of getting private Bills through Parliament:*—an avowal, which certainly does not weaken our prepossessions in favour of what we are arguing for—an entire withdrawal of a portion, at least, of the Local Questions of the Country, from out of the cognizance of Parliament.†

We have as yet not mentioned, at all to insist

* See Mr. Littleton's Speech in the House of Commons, April 19, 1826.

† As things are in Parliament, no motion there would indicate, we think, a more commendable regard for common decency or propriety, on the part of the Member making it, than one to the effect, that the piece of mummery or mockery—for it can be nothing else, which Parliament is every day chargeable with, of commencing its business with—*Prayers*, should, without a moment's delay, be abolished.

upon it, the Expensiveness of going to Parliament, in the case of Matters that are purely Local:—whereas this consideration is of itself sufficient to found an argument upon, in behalf of our present proposition. There can be no doubt but that the heavy charges attending Bills in Parliament, operate to prevent many a local Improvement from being undertaken, which is in the highest degree expedient or desirable. The Select Committee of the House of Lords on Private Bills, appointed in 1827, thus commence their Report: "The Committee have examined into the Grievances complained of, in the Petitions referred to them, as discouraging and obstructing the progress of public Improvements, by the burthen and uncertainty of the expence to which parties are subjected, in their application to Parliament, for powers to carry their Improvements into execution."

In the appendix to this same Report, Specimens are given of the costs attaching to nearly every description of private Bill, within the walls of Parliament; and among these Specimens, four appear, distinctly falling under our designation of—strictly Local Bills;—the whole four having, at the same time, recently passed, and been entirely unopposed Bills. The average amount of Charges attending each one of these Bills, as it proceeded through the two Houses,

was, upwards of four hundred and thirty pounds! A demand upon the purses of the applicants for the Bills, which every one will see to be a fearful aggravation of the outlay required for the particular measure upon the spot:—a demand, too, it is to be remembered, that is exclusive of the heavy Charges of the private Solicitor in each instance; who, at a distance from home, always thinks it proper to wait for the advances —the often casual advances of his Bill, first through one House, and then through the other. —Amply warranted, therefore, we feel we are, in objecting, on the score of its Expensiveness, to the jurisdiction of Parliament in these affairs— which are so pre-eminently of domestic concernment only: and with equal confidence may we reiterate our statement, that that Expensiveness *must* frequently operate, altogether to prevent Local Improvements from being undertaken, that are in themselves every way proper. Of this latter fact, indeed, one direct proof was adduced by Lord Hardwicke himself, upon his moving for the Committee, from the Report of which we have just quoted. "It was wished," said the noble Lord, "to make an advantageous alteration in the church-yard of the Cathedral at Exeter. For effecting the Improvement, however, an Act of Parliament was necessary. The requisite steps towards procuring the Act were

taken—when, all at once, it was found that the fees, &c. of the two Houses, would swallow up more than the entire expenditure which would otherwise have to be incurred on the occasion: and that discovery made, away went every idea of persisting in the measure."*

We will conclude the present Section of our Work, by stating that the strictly Local Bills passed through Parliament, which the foregoing observations have respected, have been in all, between the Sessions of 1822 and 1828, both inclusive, 208; which gives us an average of something more than *twenty-nine* of these Acts passed per Session.

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* Speech of Lord Hardwicke in the House of Lords, March 30, 1827.

SECTION III.

Arrived thus far towards the close of the present part of our Undertaking, we may be allowed shortly to recapitulate what has preceded. Recapitulation.

We have brought under the reader's eye a variety of facts, shewing that the Legislature is perfectly oppressed—hampered indeed almost to distraction, with the Quantity of Business which it is every Session called upon to transact.

We have proved that the Business which Parliament actually gets through, is often dispatched under circumstances of the most improper Haste and Confusion.

And, passing by much of vital importance which is left altogether Undone by Parliament, we have demonstrated that a very large portion of what it does do, is of the most deplorably defective Quality.

We then proceeded to observe, that, according to the best judgment we were capable of forming upon the Subject, any Remedy to be

decidedly effectual for the Evils we had been depicting, must be in the way—of diminishing the Calls there at present are upon the Legislature—of curtailing the Questions in which it is now required to adjudicate—of bringing about, in short, agreeably to the doctrine expressed in our title-page, a further "Division of the Labour" of Parliament. And the description of Matters, which, pursuant to this ruling idea in our minds, would, in our view, most readily, or most properly, admit of being withdrawn from Parliamentary Direction or Controul, we stated to be—

Those in which the act of Legislation was essentially and allowedly an act of Mere Form:

Those in which the subject legislated upon, was distinctly of a Scientific Character:

And, finally, Those in which the legislative act respected some most homely, some purely physical want, of an individual Town, or limited local District:—

Which three classes of Measures, it may now be well to intimate, supposing the whole of them to be taken out of the jurisdiction of Parliament, would relieve it to the extent of One half—and, numerous as they may seem to be, of only One half—of its present annual duties or cares.

Where the transferred Jurisdiction should be

lodged, we have thus far delayed to say—hoping by what intervened, to render the necessity of *some* Change in our Legislative Economy, (whatever should be its precise nature), literally incontestable;—and willing too, that upon the point at which we have now arrived, the reader's ingenuity or reflection, as we were step by step advancing, should be exercised in addition to our own.—What is immediately subjoined, we offer, therefore, with all deference to any wiser suggestions, which may chance to have occurred to the minds of others.

QUARTERS TO WHICH THE LABOUR THAT PARLIAMENT MAY BE RELIEVED OF, IS PROPOSED TO BE REMOVED.

Effectiveness duly regarded, the very smallest alteration in the internal Polity of the Country, will have to be, it appears to us, as follows:

Some increase of Power, or Prerogative, which will easily, however, admit of definiteness, or exact limitation, must be conferred on certain of the Executive or Judicial Authorities of the Country.

Commissions, Councils, or Boards, to be more or less permanent, must be appointed, of men the most eminent for their Attainments, Knowledge, or Skill, in particular Departments of Science and of Art.

And, Municipal Institutions, of an improved character, must be imposed throughout the Country:—the term Municipal here, being meant to respect not only Towns, but Counties, or Districts.

We dare say, that the bare mention of one, or another, or all of these Propositions, will awaken hostility in some quarters. Most fruitless would it be, to hope to broach Any Thing that would not be attended with this effect:—and to answer now, by anticipation, all that may be provoked in this way, we certainly in no degree propose to ourselves. Part of the opposition that will, doubtless, be set up, will be prompted by particular political Prejudices that are of an old date;—but which, happily, as we presume to think, are more upon the wane than the increase. Part of it will arise from no adequate estimate being formed, of the monstrous, the portentous Evils, with which the present state of our Legislation is fraught; and which Evils have throughout been the basis of our argument. Part of it, too, will spring from that blindness of some people, which is all but physical, to the indispensable necessity that exists—if Wrong, Confusion, and Convulsion, are to be avoided—of adapting, from time to

time, to the growth or progress—the Institutions of Society.

These general observations being thrown out by us, we will reply, specifically, but briefly, to one or two possible Objections, which are not of a nature, nor are, indeed, intended to be, in those observations, met or over-ruled; and which, as far as we can perceive, are the only objections likely to be started, at all deserving formal notice. Objections met.

Are You the advocate, then, we think we hear it said, for lodging any where, an arbitrary right of imposing pecuniary Rates, Tolls, Assessments, or Dues of any description, on your fellow subjects?

Are You the advocate for lodging any where, a like arbitrary right of dipping into the public-purse?

And, Are You the advocate for reposing any where, the same arbitrary right of meddling with —what has hitherto been held so sacred in this Country—private Property?

We are the advocates, we answer, of no one thing of the sort.

We answer, further, and in express reply more particularly to the first of these supposed objections, that, there being no necessary, no indissoluble connexion between the Scientific,

and what may be distinguished as, the Fiscal features, of the Cases there referred to, the Changes we suggest, are compatible with a closer exemplification, a more literal practice, of that right of Self-Taxation, which every Englishman lays claim to, than the present practice, in these same Cases, at all illustrates, or approximates to.

The second objection, it will be observed, respects a description of Measures of a higher order than those alluded to in the first; so much of a "public general" character pertaining to them, as to furnish at least a pretext for recurring in their behalf, to the National Purse. And in reply to this objection we have to state, that any great scrupulousness, any excessive fastidiousness, as to a responsible Commission, or Board, having the right of appropriating a portion of the National Funds, to a purpose distinctly National, would savour a little of the ridiculous—seeing that very considerable funds which now accrue to the Community, are suffered, and most quietly suffered, to remain at the disposal of single Individuals, or bodies of Individuals, subject to no check or power of controul on the part of the "Grand Inquest of the Nation."—Not to insist on the Case of Droits of different descriptions, those important

Revenue Departments—the Excise, the Customs, and the Post Office, claim, and uninterruptedly exercise, the right of apportioning for public purposes, any Sums whatever, out of the vast funds that come into their possession. Hence, that generally admired Structure — the new Post Office, has been erected, and will be completed, without one Shilling of Money being granted towards the expense, by Vote of Parliament. Thus, too, that imposing, but at the outset most impeachable Edifice—the New Custom House, did not rise at the bidding, nor in any measure with the privity, of the Legislature, but was the creation solely of the Commissioners of the Customs (acting, of course, with the approbation of the Lords of the Treasury); and the whole cost of it being defrayed by these Commissioners, out of the public Monies they were in the daily receipt of.

It was enquired by Mr. Hume, of the Chancellor of the Exchequer, in the course of the last Session of Parliament, Whether the very extensive and expensive range of Custom House Buildings, then erecting at Liverpool, was to be paid for by Government — alias the Commissioners of Customs? "A portion of the expense," was the answer, "would be met by the Corporation of that town, and the Government

[the Department of the Customs being evidently meant] would defray the remainder."

The prerogative arrogated to themselves by the respective heads of these departments, is evidently not limited, as we have already implied, indeed, to the case of their Buildings;—it having been out of the National Monies, before the surplus was paid over to the Exchequer, that the Post Masters-general, not long since, conferred, what they deemed a suitable reward for his public services, on Mr. M'Adam.

We, however, are no admirers of these precedents; and in further, and, probably, more satisfactory reply to the Question we are supposing to be pressed upon us, we have to say, that the Funds of the proposed New Commissioners, or Boards of eminent Men, may be made entirely dependent on the will of Parliament; that the Sum to be allotted them, may be fixed or variable; and that no power need be relinquished to the Parties, which shall not be easily susceptible of subsequent modification.

It can scarcely be necessary to remind the reader that various arrangements are already in existence amongst us, which render the institution of New Councils, Commissions, or Boards, co-operative with, but strictly subordinate to Parliament, no real innovation in the economy

of the Country. The modern one of the Commissioners appointed for promoting the building &c. of Churches and Chapels, here especially occurs to us; and, as to its dependence for the major part of its funds upon the votes of the Legislature, and in, at least, one or two features in the mode, agreeably to which it conducts its operations, it might, we think, be copied after, in the cases we contemplate.

The last objection we promised formally to notice, was, it will be remembered, this;

Do you advocate the reposing any where a power of arbitrarily meddling with That to which hitherto so much sanctity has attached in this Country—Men's private Property;—such as their Lands, Houses, &c.?

The answer we have to make to this enquiry, over and above the general one of "No," which we have already given to it, will be comprised almost in as few words as the enquiry, or objection, is itself. It is as follows:—The doctrine of our Constitution upon the point here concerned, is, not that the private Property of Individuals, when the public Interests require it, shall be held inviolable—but, that no such property, when those Interests call for its being relinquished, shall be trenched upon, taken away, or destroyed, without just compensation

made to the Owner, either by private Treaty, or by the award of a Jury:—a reading this, of our Constitution, which may, with the most perfect facility, consist with the new Arrangements of which we are the proposers.

In further vindication of these Arrangements, we consider it desirable to state, that in nothing that has fallen from us, have we for one moment so much as compassed in our thoughts—the abandonment, on the part of the Legislature, of its Supremacy, as a tribunal in the last resort. In other words, we have not meant to throw the smallest slight on the doctrine of the Amenableness, at the bar of Parliament, of all our Authorities or Institutions—to the full extent to which this amenableness is at present acknowledged.

We also desire to observe, that there is ample warranty for the innovations we suggest, as far as any warranty of the kind can be wished for, in the practice, or positive institutions, of other free Countries: and, that without some such arrangements, nothing of the Connectedness, of the System, and of the real Responsibility—which are so essential in the case of many of the measures that have been adverted to—ever can be secured to us.

We are most anxious, in mercy to the reader, to bring our "Argument," as it respects Parliament, to a termination; but we must be suffered shortly to urge one ultimate Proposition —a Proposition which it is our own earnest wish to see approved of, and acted upon, conjointly with those we have already advocated. Should it be decided upon, however, that Relief to Parliament, and legislative Help in the present extremity of things, to the Nation, shall be brought about—if to be brought about at all—by means less direct, or more negative, than those we have been pleading for;—this we say supposed to be decided upon—then will we consent to have the Suggestion we shall now offer, ranked second in value to nothing that can be proposed—let it come from what quarter it may.

Auxiliary, or Minor Measure proposed.

That last Suggestion or Proposition is, That Parliament do resolutely and most positively prohibit or disqualify all Individuals—the Ministers of the Crown only excepted—from becoming Legislators, so long as they continue actively engaged in other Pursuits or Avocations.

The Evil we here allude to—that is, the Pluralism, as it may be termed, which holds true of so many of the Members of our Legis-

lature, we ourselves regard as a perfect Hydra; and, were the press of business in Parliament, a very little less than it is, we should say, that this Evil alone would almost suffice to account for the worst features of our Legislation.

It will, we are sure, go far in support of the feeling, strong as it is, which we thus express, when we call to the reader's recollection, that a very large portion of that branch of the Legislature, upon which the business of the Empire most heavily falls—of that branch of the Legislature, in the ability, and in the activity or application of which, the Country mainly confides—consists of Judges, of Masters in Chancery, of Commissioners of Bankrupts, of Magistrates, of Practising Barristers, of Military and Naval Characters, of Merchants, Bankers, Brewers, &c. &c. &c.:—those of these various Individuals who have official duties to perform, being to a very great extent occupied in the discharge of those duties; and the majority of the remainder being often still more engrossed with the Cares belonging to their professional, or private avocations. These "out of door" pursuits on the part of so large a number of our Members of Parliament, being borne in mind, Is it, we ask, to be expected, that one half of the real Wants of the Nation, especially in its present encumbered, complex, and artificial position,

should be—we will not say—anticipated, but when they become too urgent for some consideration of them to be longer staved off—that they should then be with anything approaching to Statesman-like circumspection, and ability, met and provided for?

Indeed, as to the steady, effective, discharge of their parliamentary duties, by the bulk of the individuals we describe, what can any pretence of this be, but the veriest affectation or cajolery? seriously for us to listen to which, would be to reduce ourselves to the level of dolts or imbeciles!

The more direct or immediate results of the system, agreeably to which our Legislature consists, to so large a degree, of parties most busily engaged in other Callings, evince themselves in ways so palpable, that he must be a specially desultory observer of Parliament, who has not, occasionally, at least, remarked them.

The most simple, the most innocent of these results, is, that all sorts of negociations and contrivings, have to take place between individual Members—one of them contemplating a Motion or Measure at the introduction of which it is desirable the other, or others, should be present—as to the time that will admit of their joint attendance;—their respective Engagements elsewhere, rendering that otherwise so improbable.

The further working of the system, discovers itself in this: that often the convention thus entered into, has to be broken; sometimes, too, at the eleventh hour—to the disappointment and grave inconvenience of all parties privy to the understanding that had been come to. On many occasions, these compacts or understandings—which are most serious impediments to public business—require to be made, not by one individual Member merely, with another, or with a few others—but between leading Members, and an entire section, as it were, of the House;—such, for instance, as the portion of the House which consists of Magistrates: and again, the portion of the House which consists of practising Barristers. We could mention not a few cases in which, during the last three or four Sessions, the Measures of the Ministers themselves, have been at a complete stand-still in Parliament, owing to Members running away from their legislative, to discharge, in distant parts of the Country, their magisterial duties. And, over and over again has it occurred, that some of the very weightiest matters affecting the nation, have been stopped, for almost months of the most valuable part of the Session, because, forsooth, the time had arrived for the Barrister-Members to quit town on the circuit!

But whatever pains Members may be at, bur-

thensomely to calculate and poise, among themselves, each other's official and private Engagements, these Engagements will incessantly happen to be such, that Questions have to be brought on, when parties of great name cannot be present; or when, though the personal attendance of parties whose presence is especially wished, be given, these individuals have been precluded, by their other occupations, from giving any previous attention to the principles—or—which is almost of equal importance—to the details of the matter, by which, on the particular occasion, their conduct ought to be wholly shaped.

These consequences all, however, set aside;—or supposing them to be so far waived, at least, as for it to be conceded, of the Members we are speaking of, that without much difficulty—that even as a general thing—they were able to bring to parliamentary discussions, or to the investigation and settlement of public questions, the refuse of their time, and the dregs of their abilities—still a most sterling objection to the plural capacity of honourable Members would exist in this;—that, on proceeding to give their Votes, Members of this stamp, in numerous instances, become involved in all kinds of anomalous, discrepant, or flagrantly improper situations,—often voting upon questions in which they have a

direct personal interest, and very frequently placing themselves by their votes, in positions completely repugnant to, or subversive of, the other relations in which they stand to the Community. —Rather, however, than be reduced to this last strait more especially—though the question be ever so momentous, and notwithstanding their own minds regarding it are fully made up—the course, the heinous course, as we think it, which Members *can* reconcile it to themselves to adopt—is, to give upon the occasion, no Vote at all.

Some few illustrative details under the present incidental, or, rather, collateral head of our subject, we cannot resist indulging in.

That distinguished functionary—the Master of the Rolls, as one of the complex, or at least, bifold, personages we have in view;—that is, as one party most frequently, if not in every instance, superadding to his heavy official cares and entanglements—the duties of a Legislator: —the Masters in Chancery; the Welsh Judges; and the Commissioners of Bankrupts, as other parties:—these all we only mention—to pass by. —Of Magistrates, and, if we may speak of them at the same time—of Bankers, we shall simply observe, that when their engagements in those ca-

pacities, do not preclude their giving their attendance in the Legislature, the main objection to them, is, the influence they are able to exercise there, by means of their own votes and the hold they have upon others—upon all occasions, specially affecting their particular Vocations or Interests;—an influence which has been most loudly complained of, both in Parliament and out of it.

The cases of these different parties we reluctantly abstain from dwelling upon, because limits there must be to our illustrations; and individual or personal illustrations, we incline to think, will be more effective for our purpose than those that are general.

The Attorney, and Solicitor General.

We will, in the first place, then, glance at the position—relatively to their obligations as legislators, and to the expectations which in that capacity it is so natural for them to excite, of the Law Officers of the Crown,—the Attorney, and the Solicitor General. Of these individuals, who would suppose, but that the very pretext for at all planting them in Parliament, would be—the power and the opportunity thereby conferred on them, of watching the progress, of diligently regarding the character, and often of imparting a tone to our whole legislation? With peculiar reason might it be calculated of these person-

ages, that with views alternately retrospective and prospective, their thoughts would be turned to such old laws as demanded improvement, and to the consideration and careful preparation of any altogether new Enactments which new times and circumstances plainly indicated to be wanting;—a portion of their skill and experience being, at the same time, constantly at the service of the humblest Member, who, in acting upon his personal conviction of what was defective in our Legislation, might feel himself in need of assistance as to the course he should pursue.

Than any surmises of this whole kind, however, nothing would betray, on the part of those entertaining them, a more amusing innocence—a more truly ludicrous *naïveté*.

While many of our laws are, by the consent of even our Lawyers themselves, more fit to be burnt by the hands of the common hangman, than to continue on the Statute Book, and to be obligatory on the Community; while, too, new Laws are being passed through Parliament, which, from their purport or structure, are, as we have already had occasion to shew, a perfect disgrace to the age;—while this state of things is existing, the Law Officers of the Crown are plying their faculties to the utmost as Barristers in private practice—in that capacity, an-

swering Cases, attending Consultations, and so long as the claims of the Crown do not directly interfere, pleading for anything, or any body, successively, before all the tribunals of the Metropolis.—But this quite apart, let us hear the latest Attorney-General's own account, as to a portion only of the official duties falling to the lot of himself and his colleague—and having, like their private practice, not the remotest relevancy to the cares proper to Legislators. "In the single particular," said Sir C. Wetherell, House of Commons, March 13, 1827, "in the single particular of deciding upon, and conducting, in the Court of Exchequer, prosecutions for breaches of the Custom and Excise Laws, the labours of the Law Officers of the Crown, were extremely heavy; they are such as, there is reason to believe, would scarcely be undertaken by any other gentlemen."—"I am required," the same honourable gentleman said, May 1st, 1828, "to spend days and weeks in the performance of my official duties in the Court of Exchequer."—To this it is to be added, that these same functionaries have a variety of Government prosecutions to conduct, besides those in which the revenue is concerned; that they have likewise frequently to attend Meetings of the Privy Council, Lords of the Treasury, &c. to solve knotty points, or to advise regarding different

proceedings of the Executive; and, besides other official claims on them, more numerous than we can mention, it is with these Individuals that the entire care rests of investigating and adjudging, in all applications for the King's Letters Patent, for Discoveries or Inventions, —an office that must itself be the direct reverse of a Sinecure. — The reader's attention being called to this variety of facts, he cannot be greatly startled at Mr. Secretary Peel's renouncing, as he publicly has done, all hope of effective assistance being rendered him, in any improvement of the Laws he might desire, by the Law Officers of the Crown, "They," as the right honourable gentleman has distinctly observed, "having no time for the purpose."* —Nor, under the circumstances, can the public be greatly surprised at hearing the Attorney-general, almost ridicule the idea of his being able to attend upon parliamentary Committees;†—nor further, at reading, as every one had the opportunity of doing, not very long ago, in a printed letter of Mr. Anthony Hammond's to Mr. Hume, that—as to consulting with the Attorney-general about the important bill then preparing (for the

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* See Mr. Peel's speech in the House of Commons, March 9, 1825.

† See a speech of Sir C. Wetherell's in the House of Commons, Feb. 21, 1828, in answer to Mr. Potter Macqueen.

repeal of the Combination Laws)—the multiplicity of this learned gentleman's engagements was such, as not to admit of his bestowing even a look at the bill, till it was before the House, and printed.

When we bear in mind that every man will have personal cares to require a portion of his attention—that something must be set down to the account of relative or social claims upon him—as also that occasional relaxations from labour are indispensable to the strongest—when, we say, we bear this in mind—it might be imagined, that the acceding to a high Office, the duties of which were "arduous, and difficult, and complicated," would be pretty well sufficient, not merely for the ability, but even for the ambition of any reasonable man.—The words we here give with inverted commas, are those, to the very letter, which were employed by Dr. Lushington, towards the close of the last Session of Parliament, [July 17th, 1828] in reference to the post of Judge of the Prerogative Court. By way of strengthening his statement, Dr. Lushington, at the same time, remarked, that "the duties of the Judge of that Court, had, during the last century, increased tenfold." The post itself, the reader is aware, is held, and long has been held, by Sir John Nicholl.—The right ho- Rt. Hon. Sir J. Nicholl.

nourable gentleman has other functions to perform, if we mistake not, connected with the Ecclesiastical Courts. He has likewise, from the first, been one of the Commissioners for promoting the building and repairing of Churches; and he is also one of the acting Judges at that important, and often busy, tribunal—the Board of Trade and Plantations.—But, all this notwithstanding—that is, the numerous and evidently most heavy manacles to which the right honourable gentleman is thus subject, constituting, in his own estimation no impediment thereto—Sir John Nicholl, further, has the hardihood to take upon himself the obligations—fearfully responsible as they are known to be, even when the Whole man is brought to their discharge!—the fearfully responsible obligations of a Legislator!

Dr. Lushington.

—But a word or two of Dr. Lushington himself, whose name we have just incidentally mentioned. This gentleman was an excellent authority to speak to the arduousness and complication of the duties of the Judge of the Prerogative Court—he being an Advocate of the first eminence in that Court, and, therefore, most intimately mixed up with, and deeply engaged—in, nearly all that occurs there.—The liens there are, however, on Dr. Lushington's

time and talents, are, in this reference to them, not half comprised. To conceive of these with any tolerable accuracy, the learned gentleman must be followed further, to his frequent pleadings—before the House of Lords—before the Lords of the Council—the Admiralty Court—and elsewhere: and especially must he be followed to the Consistory Court;—where, suddenly doffing his character of Counsel, he assumes that of Judge—and sits as Judge in no fewer or less trifling matters, than the connubial Infelicities, or rather Delinquencies, of the whole Kingdom.—But, as in the case of his Superior, whom we have just noticed, this infinity of claims upon him notwithstanding, Doctor Lushington, too, is a Legislator!

Mr. Brougham

In an apology made not long since by Lord Nugent at a public Meeting, for the unexpected absence of Mr. Brougham, the Noble Lord assured the company that "that gentleman's time, in the discharge of his various and important duties, was measured out by *grains*." We put implicit faith in the statement; and our precise case, at least at this moment, against Mr. Brougham, is, that so few grains of his time fall to the lot of his parliamentary duties. Did we not know this to be true, we should say, the fact must be so upon Lord

Nugent's own shewing—his very metaphor implying, that each of the many matters which call for the attention of Mr. Brougham, receive their dividend or pittance, their inch—we beg pardon, —their "grain," of his time or consideration. Besides his long absence every Session on the Circuit, the learned gentleman's so often unoccupied place in the House of Commons—attests the accuracy of this representation generally; and shews also, that in the business of graduating his time, of parcelling out his attention, Mr. Brougham acts with rigid impartiality—in no degree suffering the parliamentary, to take any undue precedence of the professional claims there may be upon him.

By the "unoccupied place" in Parliament of the honourable Member, we mean of course, his public place there. We advert not to the painstaking, the scrutiny, and toil, which some may think the learned gentleman, in common justice to his Colleagues and to the Nation, ought to undergo in the Committee-rooms of the House. That, indeed, is a part of the subject, upon which Mr. Brougham may be heard for himself:—"I am not," said he, House of Commons, February 15th, 1828, "without desire to advance the objects of the Committee [the celebrated Finance Committee, which had previously, and has since given rise to so much—we should say, futile ex-

pectation]; but I am under the necessity of declining to be one of its Members. To be present at its Sittings *would interfere with my professional avocations*—the weight of which is such, that, especially at this season of the year, I never could hope to be able to give my attendance."

And do any of our readers here, in their innocence about many of these matters, demand, Where then, is the grand field of the learned Member's labours? The Circuit that has been spoken of, supposed not to have begun, or to be got over, to what quarter goes the great aggregate of the "grains" of the honourable gentleman's time and attention?

Under the bare supposition that Individuals there may be, to whom some such query may suggest itself, we shall add, and we shall only add, that all curiosity on this point may be instantly satisfied, by referring to the annals of the pleadings that take place—at the bar of the House of Lords—before the Lords of the Council—in the Court of Chancery—in the Courts of King's Bench and Exchequer—in Sheriffs' Courts—before Compensation Juries—and before Commissioners of Enquiry relative to Lunatics;—the latter occasions, it is worth noticing, calling the learned gentleman, sometimes,

like the circuit, into the remotest districts of the kingdom.

Mr. Sugden.

Among sketches like those we are here giving, it would not be justice to others to pass by—Mr. Sugden; who, after divers abortive efforts, has at length succeeded, as the reader well knows, in planting himself in Parliament.

Upon what grounds the learned gentleman's temerity can be, for one moment, vindicated, we are totally at a loss to conceive.—Without, however, stopping further to indulge in our astonishment on that head, we shall proceed to state as follows. The learned gentleman's practice at the Chancery-bar, and in the House of Lords, is by competent judges calculated to be not less than 10,000*l.* a year. He is so clogged by his professional engagements, that he is unable at times to answer cases submitted to him, for many weeks together; and, a very few months ago (August 6th, 1828), upon the Vice-Chancellor proposing to sit an extra hour per day, to get through "the heavy arrear of business" there was in his Court, Mr. Sugden, in loudly and successfully deprecating the proposition, thus spoke of himself;—"For my part, against the fatigue of attending for so many hours in the Court each day, as I already do, I am

scarcely able to bear up. Independently of the great labour in Court, I find it almost impossible, even though I remain up all night, to prepare myself for the business of the next day; such masses of papers have I to wade through."

As if a practical demonstration had been needed, that, at some periods, from the distracting number and nature of his cares, the learned gentleman, in familiar language, did not know, whether he was on his head or his heels—this precise demonstration was, we think, only a few weeks ago afforded us. We allude to the proceedings in the case of King v. Turner, in the Vice-Chancellor's Court, January 26th last; wherein Mr. Sugden being retained, he, in due course, rose, and to use his own subsequent expression, " mistaking his side," he set to work, and fairly beat to shivers—his own Client! An ominous symptom this, surely, not only for the learned gentleman's immediate constituents at Weymouth, but for all England—of the people of which, universally, he at his election had kindly averred he should evince himself, the faithful Representative!

Mr. Brogden.

Whatever may be the case at the present moment with Mr. Brogden, it was but the other day that a syllabus of the Posts held by the honourable gentleman, and consequently of the

Cares entailed upon him, must have been, if at all accurate, to some such purport as the following :—

Member of Parliament for Launceston ;

Chairman of the Committees of the House of Commons of Ways and Means ;

Ditto of the Protector Insurance Office ;

Ditto of the United General Gas Company ;

Ditto of the Rock Assurance Society ;

A Director of the Arigna Mining Company ;

Ditto of the Equitable Loan Company ;

Ditto of the Australasian Agricultural Society ;

Ditto Irish Provincial Bank ;

Ditto London and Birmingham Rail Way ;

Ditto Colombian Mining Company ;

Ditto Eastland Company ;

Ditto Russia Company ;

Ditto Waterloo Bridge Company ;

Ditto Surrey and Sussex Rail Way ;

And a Commissioner of the Lieutenancy.

Mr. W. Ward.

When Mr. W. Ward was returned for his present seat, for the City of London, he declined adding further to his public avocations. He said particularly, he thought "the proper fulfilment of the duties of a City Magistrate, incompatible with those of a Member of Parliament."—"Being, also," he observed, "actively engaged in Commercial pursuits, and at the same time a

Bank Director, he considered that his hands would be most amply occupied."—This gentleman appears to have rightly opined with regard to the sufficiency of his future occupation. Indeed, fully bearing out the augury which many, we think, must have formed, one of his earliest speeches in the House of Commons [May 15, 1827], was to the effect, that to some particular business then under discussion, he had devoted —the worthy Member did not say—as much time and attention as the matter demanded—but "AS MUCH TIME AND ATTENTION AS A JUST REGARD TO HIS OWN AFFAIRS WOULD ADMIT OF!"

Mr. Ald. Thompson

If Mr. Ward thus found his hands too full, as he evidently did, although, besides being a Member of Parliament, he was *only* a Merchant and a Bank Director, what must be our prognosis of the situation of the Individual—the catalogue of whose Functions, as far as we have the means of checking it—is this :

A private Trader, or Merchant, on a large scale ;

A Director of the British Gas Company ;

Ditto of the St. Catharine's Dock Company ;

Ditto of the South London Docks ;

Ditto of the Equitable Loan Company ;

Ditto of the Irish Provincial Bank ;

Ditto of the Anglo-Mexican Mining Company ;

Ditto of the Colombian ditto;

Ditto of the Hope Insurance;

Ditto of one of the Water Companies;

An Auditor of the Colombian Agricultural Company;

Ditto of the Thames Tunnel Company;

A Trustee of the General Steam Navigation Company;

Vice-President of St. Ann's Schools;

President of Christ's Hospital;

Member of the Committee for conducting Improvements of the City;

Chairman of the Reversionary Interest Society;

Chairman at Lloyd's;

A Bank Director;

Alderman of the Ward of Cheap;

Member of the House of Commons;

And Lord Mayor of London!!!

Of course, in the party we refer to, every one will instantly recognize—that Leviathan of the City—Mr. Alderman Thompson.

If we wish to break in here for one moment upon the reader's own reflections, it is only to ask of him not to overlook, of all things, in this connexion, the mass of Petitions, the crowd of bulky Reports, and the many folio Volumes of printed Papers, which, as we had occasion at the commencement of our Work to show, are every

Session submitted to the Legislature; and by a careful study or digest of which—as we at the same time intimated – so far as human ability can compass this, it must be the bounden duty of every individual Member to shape his course in Parliament.

—But to turn to a different but still most important aspect or two, under which this same Pluralism of honourable Members presents itself, and demands to be contemplated:

"Of my own knowledge," said Mr. Hobhouse emphatically, in the House of Commons, April 27, 1826, "I can assert, that upon particular questions, Officers of the Army and Navy, who have seats in this House, do not like to give their Votes."

In the hope of thereby conciliating in some degree the Catholic Freeholders of the County of Clare, during the late never-to-be-forgotten Election there, Mr. Vesey Fitzgerald protested from the hustings, [June 30th, 1828], that "all the convictions of his Colleague, Sir George Murray, were in favour of the Catholic Claims; but the gallant General," said Mr. Fitzgerald, "happening, at the time of the last decision in the House of Commons, to hold the command of the Forces in Ireland, he felt there would be

an awkwardness in his voting in Parliament for your question."

"It is true," observed Mr. Brougham in his place in Parliament, May 17, 1827, "a Petition from Mr. Bishop Burnett I did present to the House, and that, not without taking the previous precaution of examining and cross-examining Mr. Burnett, as to the correctness of his charges. Four or five days, however, after I had done this, I found myself professionally retained in an Appeal Cause before the Privy Council. Upon looking at my instructions, it appeared that the party, who, in the Petition, complained of the alleged Corruption of the noble Governor of the Cape, had applied to the Privy Council for a revision of the decision of the Governor; and that I was retained as Counsel at the opposite side. This was the reason why I proceeded no further in the business of the Petition. The delicacy of my situation forbade it. I felt myself bound, right or wrong, to discharge my duty as a Counsel; and to advocate the interests of one party before the Privy Council, one day, and the interests of the rival party in this House the next;—how was it possible for me to do it?"* Away, therefore — taking the case from Mr.

* See the Reports of the Debates of the Day.

Brougham's own lips—away went Mr. Bishop Burnett, and his host of reputed Wrongs, together with the Grievances of the whole Cape of Good Hope population! and, as a Legislator—as a Judge, indeed, in the Cause of these various parties, the learned gentleman from that moment stood before us all, as he has ever since remained—not merely mute, but fairly emasculated.

A story is current of a rebuff met with by Lord Colchester, while a private Member of the House of Commons, which both illustrates the general view we are taking at present, and shews that special impediments may arise to important parliamentary proceedings, owing to that feature in the character of Members, which we are discussing. The Chief Justice of the King's Bench, (we believe it was Lord Kenyon), had been required to afford information respecting the fees and emoluments of his Court, to a Committee of the House of Commons, of which Mr. Abbott was the Chairman, WHO HIMSELF HELD ALSO AN INFERIOR OFFICE IN THE KING'S BENCH. The patience of the Chief Justice having been exhausted by a series of questions too nearly touching that delicate subject—the fees of his office, he began to demur to any further interrogatory. Mr. Abbott, assuming what he

intended to be a high and commanding attitude, pompously enough informed his Lordship, that he (Mr. Abbott), was armed with the authority of the Commons House of Parliament. "Sir!" was the pithy reply of the Chief Justice, "I will not be yelped at by my own turnspit."

Again, glimpses, at least, may be caught of the gross unseemliness or impropriety, attending this Pluralism of Members, in the following circumstances:

When Mr. Baring, House of Commons, June 14, 1825, declared himself perfectly astonished that the Attorney-general—in possession as he was of those facts, with so much earnestness, and seeming sincerity, pleaded by him, in a late trial regarding Mr. Kenrick—that he could—standing in the relation in which he did to the Government and country—reconcile it to his conscience to allow that individual to proceed on in the unmolested discharge of his judicial functions—"Oh!" replied the learned gentleman, "the facts adverted to by the Member for Taunton, and which, on the occasion in question, may have led me to inveigh against the honourable Judge with some severity, came to my knowledge, and were descanted upon by me, in my capacity of a private barrister only;—in no

degree had I any cognizance of them publicly or officially."

During the proceedings—the still pending proceedings, against the notorious Doctor Free, Mr. Secretary Peel has loudly expressed his dissatisfaction at their course:—that is, at the crossings and jostlings, the quirks and quibbles, pursuant to which that exemplary Minister of Religion has so long been able to elude the grasp of Justice. Upon one occasion, especially, [Feb. 19, 1828], Mr. Peel avowed this feeling in the House of Commons, and stated, that in a national point of view, the whole matter presented the most serious claims to the attention of the House. —The bearing which this circumstance has upon our Argument, is, that the professional defenders of the reverend gentleman have been during the progress of the affair, or still are, Members of the very "House" thus appealed to;—while it was the result of their measures—that is, of their stratagems or devices—legally, doubtless, but as we all know, offensively, to the Country, and disgracefully, successful—which was so "seriously" appealed against.—As names may be expected here, we give those of Sir James Scarlett and Mr. Denman.

Quite enough has now, we are confident, been

brought forward by us, to demonstrate—not only the magnitude, the positive enormity of the peculiar evil, which, at this concluding stage of our "Argument" we have felt it our duty to treat of—but to prove also, that not the faintest expectations of a remedy for that evil are to be entertained from any moderation which our Public men will impose upon themselves. The views of these Individuals, as it regards their physical Capabilities only (not to raise questions about limits to their mental ones); their notions of Responsibility; nay, even their ideas of common Decency, being what we see them to be—manifestly not one ray of hope remains to us, that, from among themselves, there will spring up any correction or reform of their present practices.

In some quarter, therefore, where the weight of the parties interfering, will command success, the task must be taken in hand, of instituting barriers to—of setting up mounds against—that insatiable craving after influence, or importance, after honour, or emolument, which certain individuals will yield themselves up to. In effect, specific boundaries, or lines of demarcation, being fixed upon, it must be proclaimed to the whole class of Characters under consideration—and it must be proclaimed to them in a voice not to be misunderstood—Hitherto shall you

come and no further; and here shall the restless, the ever-encroaching, all-circumventing waves of your Ambition be stayed!

Shall we be told for a moment, that the state of things we are now more immediately reprobating—that the feature in the character of so many of our Members of Parliament to which we are so uncompromisingly hostile—is to be accounted for, and excused, on the ground—That all Interests have to be represented in Parliament?

To this our answer would be, Give us an explanation of what is meant by All Interests being so represented. If anything substantive is contained in that doctrine, it implies, as far as we can perceive, that each Interest of the Country—by possessing Representatives belonging to its own ranks, or circle, should, as often as its peculiar Concerns come to be agitated in Parliament, be secure of the exertions and votes of these Representatives, in its exclusive favour. —But such an understanding, be it observed, involves in it a principle no other than this:—that our Statesmen—the Legislators for the entire Empire, may be governed in their conduct by a direct regard to their personal Interests; or, in any case, by a regard to individual, in preference to the collective Interests of the

Community. A rule of action, against which every feeling of justice and propriety—against which, indeed, Common Sense itself revolts! and a rule of action which never has been detected in our Legislators, but to be branded with the opprobrium it deserves.

If, however, the doctrine implies less than this; if, in short, nothing more is intended by it, than that Parties should have Seats in the House of Commons, who may serve there as Text-books, or Vade-mecums, respecting particular Walks or Vocations in life—or, should the reader prefer the phrase, respecting particular Interests in the Country—upon those Interests happening to cause discussion or to need investigation;—then immediately the danger presents itself, that a regard to individual Interests *may* bias these Members in what they say; may, even unconsciously, warp the Statements they think fit to give:—besides which, any such interpretation completely gives the go-by to what is an integral part of our Legislative Economy, namely, the system of appointing Committees to enquire and report to the House; and which Committees, it is well-known, have power over all Persons, Papers, Books, &c. that are in any way connected with the topic, or subject, proposed to be investigated.

Of this Committee System—in the whole of the

Cases that are in themselves proper to be referred to a Legislative Tribunal—it may safely be affirmed, that it is, IF RIGHTLY WORKED, most amply adequate to its intended purposes:—that for getting at the technicalities of a question—for arriving at a knowledge either of the arcana—or of the minute details of a matter, nothing can well surpass it:—while, besides the greater range of scrutiny, and, therefore, far greater security, which it admits of, the mode itself infinitely better comports with the dignity—with the supremacy, indeed, which a Legislative Assembly ought ever to maintain.

But we have one additional answer to give to the rejoinder to us we are supposing: and provided it be for a moment ruminated upon, the inexpediency, though it should be on account of the single fact there pleaded, of at all persisting in that rejoinder, will, we doubt not, be instantly discerned. That additional answer is, that All Interests are not represented in our Legislature.

If the dictum we here advance, stands in the slightest need of corroboration, we have but to adduce the frequent and bitter complaints which our Ship-Owners utter, of being unrepresented in Parliament;—also the loud murmurs, to the same effect, which escape from the Manufacturing, and, at times, from the Commercial

Interests of the Country.—Under the circumstances we are imagining, we ourselves should be tempted to exclaim, What single Member of the Legislature interposes his shield there, to screen from the harshest regulations, to save from the most devouring imposts, that numerous class in the Community who devote themselves to the profession of Letters? Who, too, take under their protecting care there, the Interests of the labouring Poor of the Country—particularly the Agricultural portion of them? Where again, we might ask, were to be seen in Parliament, the sturdy, unflinching Champions of the Inhabitants of our Colonies, and foreign Dependencies, when Mr. Brougham, in the Cape of Good Hope question, before mentioned by us —found himself necessitated to retire from the combat? and when one other Member—Mr. Lombe, of mysterious memory—after zealously taking up the cudgels in the same Cause, mutely and so inscrutably laid them down again?

Finally, will it be said, that recourse must be had to our Official Characters, our professional Men, and others, engaged in the active Walks of life, for the purpose of securing a sufficiency of talent in the Legislative Body? To this we would reply, that the means exist of bringing

into play a far greater quantum of the talent of the Country—that is of the disengaged, and every way independent talent of the Country, than at present offers. For instance, by releasing from the scandalous bonds, from the insulting fetters, in which they are held, that vast proportion of Places, possessing the right of returning Members to Parliament—but where, as things now are, the yclept Electors have not the smallest choice of Candidates. And further, by taking effectual steps to do away with the hideous disbursements which generally attach to Candidates, where the Election is an open one:—and the indisputable effect of which is, often to deter all from consenting to be put in nomination as Representatives, but the hair-brained, the reckless, or the infatuated; very desirable parties, it must strike every one, for the destinies of an Empire to be confided to!

But the measures here hinted at apart, most important do we deem it to observe—indeed, if we mistake not, the declaration will prove conclusive in favour of the feasibleness and propriety of our Views—that we quarrel not with the class or classes of individuals we have been directing attention to, as individuals:—we regard them all as ineligible to fill the Legislative Office, solely because of their "Pluralism;" solely because they, in that, bring, and must bring, to the dis-

charge of their legislative duties, a distracted mind, and a "divided allegiance."

It is only while this imputation rests upon them, that our ban, as it respects them, is meant to apply. Their subordinate avocations, at their own good time, abjured—themselves, in consequence, rendered the free, unshackled, and so far, at all events, dignified Agents, which Legislators ought ever to be—and their accession to the Senate—the devotion, in fact, to the public service, of their time, of their energies, of their experience, and mental endowments—*there* precisely, where it has been the drift of our observations *now* to forbid them entrance—we will be among the foremost to hail.

By reserving the elevation to the Legislature, or eligibility for that elevation, as the highest distinction to which the majority of the parties in question could aspire; but, as a distinction too exalted to co-exist with minor dignities or baser pursuits,—benefits of magnitude—though of a less direct kind than those we have been contemplating—would, unless we greatly err, accrue to the Community. But that is a feature in the case, which the present is not the place for insisting upon.

END OF PART I.

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